

# भारत का राजपत्र The Gazette of India

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No. 14] NEW DELHI, SATURDAY, APRIL 6, 1991/CHAITRA 16, 1913

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन में रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-Section (ii)

(रक्षा मंत्रालय का छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं

विधि और न्याय मंत्रालय  
(विधि कार्य विभाग)  
सूचनाएं

नई दिल्ली, 7 मार्च, 1991

का. आ. 939 —नोटरीज नियम, 1956 के नियम 6 के अनुसरण से सदस्य सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री मेटिपाटिल पद्मान गौडा अधिवक्ता ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे गंगावती जिला-रायचूर, कर्नाटक में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त पर किसी भी प्रकार का आवेदन इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5 (13)/91—न्याय]

MINISTRY OF LAW AND JUSTICE  
(Department of Legal Affairs)  
NOTICES

New Delhi, the 7th March, 1991

S.O. 939.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries, 1956, that

application has been made to the said Authority, under rule 4 of the said Rules, by Sri M. Parpan Gouda for appointment as a Notary to practise in Gangawati District Rai chur, Karnataka.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F 5(13)/91-Judl.]

नई दिल्ली, 14 मार्च, 1991

का. आ. 940 —नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री रूपा राम, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे फतेहपुर-गोखवाती, जिला-शिकार (राजस्थान) व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आवेदन इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5 (14) / 91—न्या.]

पी. सी. कण्ठन, सक्षम प्राधिकारी

New Delhi, the 14th March, 1991

S.O. 940—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Rupa Ram, Advocate for appointment as a Notary to practise in Fatehpur-Shekhawati District Sikar.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(14)/91-Jud.]

P. C. KANNAN, Competent Authority

गृह मंत्रालय

(आन्तरिक सुरक्षा विभाग)

(पुनर्वास प्रभाग)

नई दिल्ली, 14 मार्च, 1991

का. आ. 941 :—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा पुनर्वास प्रभाग (बन्दोबस्त) आन्तरिक सुरक्षा विभाग, गृह मंत्रालय में बन्दोबस्त अधिकारी श्री सी. पी. कत्याल को तत्काल प्रभाव में उक्त अधिनियम के द्वारा अथवा उसके अधीन प्रबन्ध अधिकारी को सौंपे गए कार्यों का निष्पादन करने के उद्देश्य में प्रबन्ध अधिकारी नियुक्त करती है।

[सं. -1(1)/विशेष कक्ष/89-एम. एस.-II/एस.]

रतन लाल, अवसर सचिव

MINISTRY OF HOME AFFAIRS

(Department of Internal Security)

(Rehabilitation Division)

New Delhi, the 14th March, 1991

S.O. 941—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri C. P. Katyal, Settlement Officer in the Rehabilitation Division (Settlement) in the Ministry of Home Affairs, Department of Internal Security as Managing Officer for the purpose of performing the functions assigned to a Managing Officer by or under the said Act, with immediate effect.

[No. 1(1)/Spl. Cell/89-SS, II/S]

RATTAN LAL, Under Secy.

(आसूचना ब्यूरो)

नई दिल्ली, 22 मार्च, 1991

का. आ. 942 :—आसूचना ब्यूरो (गृह मंत्रालय) नई दिल्ली के बाह्य स्थित कार्यालय, सहायक आसूचना ब्यूरो, पटना (बिहार) के 80% अधिकारियों तथा कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है। अतः राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग नियमावली, 1976 के नियम 10 के उप नियम (4)

के अनुसरण में ब्यूरो के महायक आसूचना ब्यूरो, पटना को एतद्द्वारा अधिसूचित किया जाता है।

[मख्या 1/8/90-हिन्दी —1307]

टी० गुडटे, उपनिदेशक

(Intelligence Bureau)

S.O. 942—80 per cent officers and employees of the out-station subsidiary office of the Intelligence Bureau (Ministry of Home Affairs) located at Patna (Bihar) have attained working knowledge of Hindi. Therefore, in pursuance of sub-Rule (4) of Rule (10) of the Official Languages (use for official purposes of the Union) Rules, 1976, the said Subsidiary Intelligence Office at Patna is hereby noticed.

[No. 1/8/90-Hindi-1307]

T. GWITE, Dy Director

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 16 फरवरी, 1991

आयकर

का. आ. 943 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 193 के परन्तुक के खण्ड (iiख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय आयात-निर्यात बैंक, बम्बई द्वारा जारी किए गए “11.5 प्रतिशत एक्सिम बैंक बन्धपत्र-2010 (आठवीं श्रृंखला)” को एतद्द्वारा उक्त खण्ड के प्रयोजनार्थ विनिर्दिष्ट करती है।

वर्तते कि उक्त परन्तुक के अन्तर्गत लाभ इस प्रकार के बन्धपत्रों के अन्तरण के मामले में पृष्ठांकन अथवा वितरण द्वारा तभी अनुमत्य होगा यदि अन्तरिती इस प्रकार के अन्तरण में 60 दिन की अवधि के भीतर भारतीय आयात-निर्यात बैंक को रजिस्टर्ड डाक द्वारा सूचित करेगा।

[सं. 8855/का. म 275/177/90—आ कर (ब)]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 16th February, 1991

INCOME-TAX

S.O. 943—In exercise of the powers conferred by clause (iib) of the proviso to section 193 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby specifies the “11.5 PER CENT EXIM BANK BONDS—2010 (EIGHTH SERIES)”, issued by the Export-Import Bank of India, Bombay, for the purposes of the said clause :

Provided that the benefit under the said proviso shall be admissible in the case of transfer of such bonds by endorsement or delivery, only if the transferee inform the Export-Import Bank of India by registered post within a period of sixty days of such transfer

[No. 8855/F. No. 275/177/90-IT(B)]

## आय कर

New Delhi, the 25th February, 1991

## INCOME TAX

का. आ. 944 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 193 के खण्ड (ii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार राष्ट्रीय आवास बैंक, नई दिल्ली द्वारा जारी किए गए "11.50% राष्ट्रीय आवास बैंक बन्धपत्र, 2010 (तीसरी श्रृंखला)" का एतद्द्वारा उक्त खण्ड के प्रयोजनार्थ विनिर्दिष्ट करती है।

बशर्ते कि उक्त परन्तुक के अन्तर्गत लाभ इस प्रकार के बन्धपत्रों के अन्तरण के मामले में पृष्ठांकन अथवा वितरण द्वारा तभी अनुमत्य होगा यदि अन्तरिती इस प्रकार के अन्तरण से 60 दिन की अवधि के भीतर राष्ट्रीय आवास बैंक को रजिस्टर्ड डाक द्वारा सूचित करेगा।

[सं. 8846/फा. स. 275/205/90—आ. क. (ब)]

राजेश चन्द्र, अवर सचिव

## INCOME-TAX

S.O. 944—In exercise of the powers conferred by clause (ii) of the proviso to section 193 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby specifies the "11.5 per cent National Housing Bank Bonds, 2010 (Third Series)" issued by the National Housing Bank, New Delhi for the purposes of the said clause:

Provided that the benefit under the said proviso shall be admissible in the case of transfer of such bonds, by endorsement or delivery, only if the transferee informs the National Housing Bank by registered post within a period of sixty days of such transfer.

[No. 8846 F. No. 275/205/90 IT(B)]

RAJESH CHANDRA, Under Secy.

नई दिल्ली, 22 फरवरी, 1991

## आयकर

का. आ. 945 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा "संजीवनी ट्रस्ट, "एवरैस्ट", बंबई को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8827 फा. स. 197/15/91—आ. क. (नि-1)]

New Delhi, the 22nd February, 1991

## INCOME TAX

S.O. 945.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies "Sanjivani Trust, Everest", Bombay for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8827 F. No. 197/15/91-IT(A)]

नई दिल्ली, 25 फरवरी, 1991

## आयकर

का. आ. 946 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा "आर्य वैद्यशाला, कोट्टाकल" को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8831 फा. स. 197/258/89-आयकर (नि.-1)]

S.O. 946.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Arya Vaidyasala, Kottakkal" for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8831/F No. 197/258/89-IT.O II]

## आयकर

का. आ. 947 :—आयकर अधिनियम 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा "दि डिवाइन् लाइट ट्रस्ट फॉर दि ब्लाइन्ड, बंगलूर, को 1990-91 से 1992-93 तक के कर-निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधधीन रहते हुए, उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

(i) कर-निर्धारिती इसकी आय का हस्तेमाल अथवा इसकी आय का हस्तेमाल करने के लिए इसका मचयन पूर्णतया तथा अनन्यतया उक्त उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;

(ii) कर-निर्धारिती उपर-उल्लिखित कर-निर्धारण वर्षों से सगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढग अथवा तरीकों में भिन्न तरीकों में इसकी निधि (जेवर-जवाहरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान में भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

(iii) यह अधिसूचना किसी ऐसी आय के सम्बन्ध में लागू नहीं होगी जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग में लेखा-पुस्तिकाएँ नहीं रखी जाती हों।

[सं. 8830 फा. स. 197/21/91-आयकर नि -1]

दलीप सिंह, विशेष कार्य-अधिकारी

## (INCOME-TAX)

S.O. 947—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies "The Divine Light Trust for the Blind, Bangalore" for the purpose of the said sub-clause for the assessment years 1990-91 to 1992-93 subject to the following conditions, namely :—

(i) the assessee will apply its income, or accumulate it for application, wholly and exclusively to the objects for which it is established ;

- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;

- (c) this notification will not apply in relation to any income being profits or gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[No. 8830/F. No. 197/21-91-IT.A]

DALIP SINGH, Officer on Spl. Duty

नई दिल्ली, 25 फरवरी, 1991

आयकर

का. आ. 948 —आयकर अधिनियम, 1961 (1961 का 43) की धारा 80-छ की उपधारा (2) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एन० द्वारा "श्री लक्ष्मीदेवस्वामी टेम्पल, सिक्कल", तमिलनाडु को उक्त उपखंड के प्रयोजनार्थ ऐतिहासिक तथा पुरातत्वीय महत्वपूर्ण स्थान एवं प्रसिद्ध सार्वजनिक पञ्चायतल अधिसूचित करती है।

[सं. 8829 फा. सं. 176 54 90—आ. कर (नि.-1)]

अनुजा पड़गी, अवर सचिव

New Delhi, the 25th February, 1991

(INCOME-TAX)

S.O. 948.—In exercise of the powers conferred by clause (b) of sub-section (2) of Section 80G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Sri Navantheswaraswamy Temple, Sikkal", Tamil Nadu to be a place of historical and archaeological importance and a place of public worship of renown for the purpose of the said clause.

[No. 8830/F. No. 197/21-91-IT.A]

ANUJA SARANGI, Under Secy.

Department of Economic Affairs

(Banking Division)

New Delhi, 20th March, 1991

S.O. 949.. In pursuance of sub-clause (h) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government hereby appoints the persons specified in column (2) of the Table below as Directors of the nationalised banks specified in column (1) thereof in place of the persons specified in column (3) of the said Table :

TABLE

1	2	3
Punjab and Sind Bank	Shri D.B. Sinha, Joint Secretary, Ministry of Finance, Department of Economic Affairs, (Banking Division) New Delhi.	Shri C.W. Mirchandani (Since retired)

आर्थिक कार्य विभाग

(बैंकिंग प्रभाग)

नई दिल्ली, 20 मार्च, 1991

का. आ. 949.—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबंध) स्कीम, 1980 के खण्ड 3 के उपखण्ड (ज) के अनुसरण में केन्द्रीय सरकार, एतद्वारा नीचे दी गई सारणी के कालम (2) में निर्दिष्ट व्यक्तियों को उक्त सारणी के कालम (3) में निर्दिष्ट व्यक्तियों के स्थान पर कालम (1) में निर्दिष्ट राष्ट्रीयकृत बैंकों का निदेशक नियुक्त करती है :—

सारणी

1	2	3
पंजाब एंड सिंध बैंक	श्री बी. बी. सिन्हा, संयुक्त सचिव, वित्त मंत्रालय, आर्थिक कार्य विभाग, (बैंकिंग प्रभाग), नई दिल्ली	श्री च. वा. मीरचन्दानी (अब सेवा निवृत्त)
न्यू बैंक आफ इंडिया	श्री बी. बी. भट्ट निदेशक, वित्त मंत्रालय, आर्थिक कार्य विभाग, (बैंकिंग प्रभाग), नई दिल्ली	श्री च. वा. मीर चन्दानी (अब सेवा निवृत्त)
कारपोरेशन बैंक	श्री टी. एस. लक्ष्मण संयुक्त निदेशक, वित्त मंत्रालय, आर्थिक कार्य विभाग, (बैंकिंग प्रभाग), नई दिल्ली	श्री बी. बी. भट्ट

[सं. एफ-9/41/91 बी.ओ. 1(3)]



1	2	3
New Bank of India	Shri V.V. Bhat, Director, Ministry of Finance, Department of Economic Affairs, (Banking Division) New Delhi.	Shri C.W. Mirchandani (since retired)
Corporation Bank	Shri T.S. Laschar, Joint Director, Ministry of Finance, Department of Economic Affairs (Banking Division) New Delhi.	Shri V.V. Bhat

[No F 9/41/191-BO I(3)]

का.अ. 950.— राष्ट्रीयकृत बैंक (प्रयन्ध और प्रवर्धन उपव्यवस्था) 1970 के खण्ड 3 के उप खण्ड (ज) के अनुसरण में केन्द्रीय सरकार, एतत् द्वारा नीचे दी गयी सारणी के कालम (2) में निर्दिष्ट व्यक्तियों का उक्त सारणी के कालम (3) में निर्दिष्ट व्यक्तियों के स्थान पर काम (1) में निर्दिष्ट राष्ट्रीयकृत बैंक का निदेशक नियुक्त करती है —

सारणी			1	2	3
1	2	3			
बैंक ऑफ इंडिया	श्री दिनेश चन्द्र सयुक्त सचिव, वित्त मंत्रालय, आर्थिक कार्य विभाग, (बैंकिंग प्रभाग) नई दिल्ली	श्री जे. वा. मीर- चन्दानी (अब सेवा निवृत्त)	इंडियन ओवरसीज बैंक	श्री वी. वी. भट्ट निदेशक, वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) नई दिल्ली।	श्री दिनेश चन्द्र
			यूनियन बैंक ऑफ इंडिया	श्री एच. सतोष कुमार निदेशक, वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) नई दिल्ली	श्री च. वा. मीर-चन्दानी (अब सेवा निवृत्त)
			बैंक ऑफ महाराष्ट्र	श्री यशपाल सठी उप सचिव, वित्त मंत्रालय, आर्थिक कार्य विभाग, (बैंकिंग प्रभाग), नई दिल्ली	श्री वी. वी. भट्ट

[स. एफ. 9/41/91-बी.ओ. 1(2)]

S.O.950, —In pursuance of sub-clause (h) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby appoints the persons specified in column (2) of the Table below as Directors of the nationalised banks specified in column (1) thereof in place of the persons specified in column (3) of the said Table :

TABLE

1	2	3
Bank of India	Shri Dinesh Chandra, Joint Secretary, Ministry of Finance, Department of Economic Affairs, (Banking Division) New Delhi.	Shri C.W. Mirchandani (since retired)

1	2	3
Indian Oversease Bank	Shri V.V. Bhat, Director, Ministry of Finance, Department of Economic affairs, (Banking Division) New Delhi.	Shri Dinesh Chandra
Union Bank of India	Shr H. Santosh Kumar, Director, Ministry of Finance, Department of economic affairs (Banking Division) New Delhi	Sir C.W. Mirchandani (since retired)
Bank of Maharashtra	Shri T.Y.P. Sethi, Deputy Secretary, Ministry of Finance, Department of Economic Affairs (Banking Division) New Delhi.	Shri V.V. Bhat

[No. F. 9/41/91-B.O.I(2)]

का.आ. 951.— भारतीय स्टेट बैंक (अनुषंगी बैंक) अधिनियम, 1959 (1959 का 38) की धारा 25 की उपधारा (1) के खण्ड (ड) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, एनद द्वारा नीचे की सारणी के कालम (2) में उल्लिखित व्यक्तियों को उनसे से प्रत्येक के सामने उसी सारणी के कालम (3) में उल्लिखित व्यक्तियों के स्थान पर सारणी के कालम (1) में दिए गए अनुषंगी बैंकों के निदेशक के रूप में नामित करती है :-

## सारणी

1	2	3
स्टेट बैंक आफ पटियाला	श्रीमती गौरी कुमार, उप सचिव, वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) नई दिल्ली	श्री एच. संतोष कुमार
स्टेट बैंक आफ लावणकोर	श्री एम. के. एम. कुट्टि श्री वाई. पी. सेठी अवर सचिव, वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) नई दिल्ली	

1	2	3
स्टेट बैंक आफ बीकानेर एण्ड जयपुर	श्री पी. के. तेजयान, श्री टी. एस. लशचर अवर सचिव, वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) नई दिल्ली	
स्टेट बैंक आफ मैसूर	श्री एम. एस. सीता- रामन, अवर सचिव, वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) नई दिल्ली	श्रीमती गौरी कुमार
स्टेट बैंक आफ इंदोर	श्री एस. पी. भाटिया, श्री टी. एम. लशचर अवर सचिव, वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) नई दिल्ली	
स्टेट बैंक आफ सौराष्ट्र	श्री वी. बी. माथुर अवर सचिव, वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) नई दिल्ली	श्री एम. के. एम. कुट्टि

[सं. एफ. 9/41/91-बी.ओ. 1(1)]

अनिता कपूर, उपसचिव

S.O.951.— In exercise of the powers conferred by clause (c) of sub-section (1) of section 25 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), the Central Government, hereby nominates the persons specified in column (2) of the Table below as Directors of the Subsidiary Banks specified in column (1) thereof in place of the persons specified in the corresponding entry in column (3) of the said Table :—

TABLE

1	2	3
State Bank of Patiala	Smt. Gauri Kumar, Deputy Secretary, Ministry of Finance, Department of Economic Affairs, (Banking Division) New Delhi.	Shri H. Santosh Kumar
State Bank of Travancore	Shri M.K.M. Kutty, Under Secretary, Ministry of Finance, Department of Economic Affairs, (Banking Division) New Delhi.	Shri Y.P. Sethi
State Bank of Bikaner and Jaipur	Shri P.K. Tejyan, Under Secretary, Ministry of Finance, Department of Economic Affairs, (Banking Division) New Delhi.	Shri T.S. Laschar
State Bank of Mysore	Shri M.S. Seetharaman, Under Secretary, Ministry of Finance, Deptt. of Economic Affairs, (Banking Division) New Delhi.	Smt. Gauri Kumar
State Bank of Indore	Shri S.P. Bhatia, Under Secretary, Ministry of Finance, Deptt. of Economic Affairs, (Banking Division) New Delhi.	Shri T.S. Laschar
State Bank of Saurashtra	Shri V.B. Mathur, Under Secretary, Ministry of Finance, Deptt. of Economic Affairs, (Banking Division) New Delhi.	Shri M.K.M. Kutty

नई दिल्ली, 22 मार्च, 1991

## बीमा

का.आ. 952—जीवन बीमा निगम अधिनियम 1956 (1956 का 31) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार जीवन बीमा निगम के प्रबन्ध निदेशक का एन.एन. जम्बुसारी को एन.एन. द्वारा कार्यभार सभालने की तारीख से और जब तक यह निगम के प्रबन्ध निदेशक के पद पर रहते हैं, तब तक के लिए, भारतीय जीवन बीमा निगम के बोर्ड में सदस्य के रूप में नियुक्त करती है।

[फा.सं. 14(1) 90-सकंता]

जी.सी. बसुमतारी, उप सचिव

New Delhi, the 22nd March, 1991

## INSURANCE

S.O. 952.—In exercise of the powers conferred by Section 4 of the Life Insurance Corporation Act, 1956 (31 of 1956), the Central Government hereby appoints Shri N. N. Jambusaria, Managing Director, LIC as Member of the Board of Life Insurance Corporation of India from the date of assumption of charge as Managing Director, LIC and till he holds the post of Managing Director of the Corporation.

[F. No. 14(1)/90-Vig]

G. C. BASUMATARI, Dy. Secy.

## समार्हनालय केन्द्रीय उत्पाद शुल्क

अधिसूचना सं. 34/1991

इन्दौर, 7 मार्च, 1991

का.आ. 953—श्री पी. द्विवेदी, जो कि अन्न में अधीक्षक समूह 'ख', केन्द्रीय उत्पाद शुल्क, रोज-अमलाई में पदस्थ थे, उनका निधन दिनांक 14-1-91 को हो गया।

[प.सं. II(3)गोप-8/89/1031]

CENTRAL EXCISE COLLECTORATE

NOTIFICATION NO. 34/1991

Indore, the 7th March, 1991

S.O. 953—Shri A. P. Dwivedi, lastly posted as Superintendent, Central Excise, Group 'B' in Range-Amlai expired on 14th January, 1991.

[F. No. II(3)8 Con/89/1031]

अधिसूचना संख्या 33/1991

का.आ. 954—समार्हनालय केन्द्रीय उत्पाद शुल्क इन्दौर, के निम्नलिखित अधिकारी निवर्तन आयु प्राप्त

करने पर, प्रशासनिक अधिकारी/लेखा परीक्षक, केन्द्रीय उत्पाद शुल्क, समूह 'ख' के ग्रेड में उनके नाम के आग, दशांशी गयी निधि में शामिल किया में नियुक्त हो गये।

1 श्री ए. आर. मुखोपाध्याय 30-11-90 (अपरान्त)

2. मिस पी. बी. गायकवाड़ 30-11-90 (अपरान्त)

[प.सं. II(3)(6)—गोप 89 1005]

बालकृष्ण अग्रवाल, समाहर्ता

NOTIFICATION NO. 33/1991

S.O. 954—The following officers of Indore Collectorate, in the grade of Administrative Officer Examiner of Accounts, Central Excise Group 'B' having attained the age of superannuation, retired from Government service on the dates shown against their names.

(1) Shri A. R. Mukhopadhyay 30-11-90 (A.N.)

(2) Miss P. B. Gaikwad 30-11-90 (A.N.)

[F. No. II(3) -Con/89/1005]

B. K. AGARWAL, Collector

## वस्त्र मंत्रालय

नई दिल्ली, 21 मार्च, 1991

का.आ. 955—केन्द्रीय सरकार, केन्द्रीय रेशम बोर्ड अधिनियम 1948 (1948 का 61) की धारा 4 की उप-धारा (3) के अनुच्छेद (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री के. कृष्णमूर्ति को 3 वर्ष की अवधि के लिए, केन्द्रीय रेशम बोर्ड के अध्यक्ष के रूप में नियुक्त करती है। उनकी नियुक्ति उनके पदभार ग्रहण करने की तारीख से लागू होगी और केन्द्रीय रेशम बोर्ड अधिनियम नियम के प्रावधानों के अन्वये होगी।

[एफ. सं. 25012/1/90—मिल्क]

परमेश्वरन अय्यर, उप सचिव

MINISTRY OF TEXTILES

New Delhi, the 21st March, 1991

S.O. 955—In exercise of the powers conferred by clause (a) of Sub-Section (3) of Section 4 of the Central Silk Board Act, 1948 (61 of 1948), the Central Government hereby appoints Shri K. Krishnamurthy as Chairman of the Central Silk Board for a period of 3 years. His appointment shall take effect from the date he takes charge and shall be subject to the provisions of the Central Silk Board Act/Rules.

[F. No. 25012/1/90 Silk]

PARAMESWARAN IYER, Dy. Secy.

## खाद्य एवं नागरिक पूर्ति मंत्रालय









(नागरिक पूर्ति विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 14 मार्च, 1991

का.आ. 956.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 9 के उपनियम (1) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए भारतीय मानकों सम्बन्धी मानक मुहर निर्धारित कर दिए गये हैं।

अनुसूची

क्रम सं.	मानक मुहर का डिजाइन	उत्पाद/उत्पाद की श्रेणी	भारतीय मानक की सं. और वर्ष	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)
1.		पूर्व प्रतिबलित कंक्रीट के गैरबेलनाकार पाइप	IS : 784-1978	1985-12-01
2.		रंजक चूर्ण, स्थायी	IS : 1065-1971	1984-05-16
3.		विद्युत प्रयोजनों हेतु तांबा पत्तियां	IS : 1897-1971	1985-09-01
4.		खिसकने वाले दरवाजे के लिए पैडलॉक के साथ प्रयुक्त अलौह धातु के काबले (एल ड्रापस)	IS : 2681-1979	1981-10-01
5.		घ टनो तक के रबड़ के बूट	IS : 3738-1975	1987-07-16
6.		डाइकैल्शियम, फास्फेट, पशुआहार ग्रेड	IS : 5470-1969	1989-03-16
7.		50 लिटर धारिता के सुवाह्य अग्नि-शामकों और रासायनिक इंजनों, भाग रासायनिक पदार्थों के लिए रिफिल	IS : 5490(भाग 4)-1979	1984-09-01
8.		फास्ट ग्रीन, एक सी एक फूड ग्रेड	IS : 6022-1977	1989-09-16

[सं. के. प्र. वि./13 : 9]

## MINISTRY OF FOOD AND CIVIL SUPPLIES









(Department of Civil Supplies)

## BUREAU OF INDIAN STANDARDS

New Delhi, the 14th March, 1991

S.O 956. . In pursuance of sub-rule (1) of the rule 9 of Bureau of the Indian Standards Rules, 1987 the Bureau of India Standards, hereby notifies the standard Mark(s), for the Indian Standard's given in the schedule:

## SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and year of the Indian Standard	Date of Effect
(1)	(2)	(3)	(4)	(5)
1.		Prestressed concrete non-cylindrical pipes	IS:784-1978	1985-12-01
2.		Bleaching powder, stable	IS:1065-1971	1984-05-16
3.		Copper strips for electrical purposes.	IS:1897-1971	1985-09-01
4.		Non-ferrous metal sliding door bolts (aldraps) for use with padlocks	IS:2681-1979	1981-10-01
5.		Rubber Knee boots	IS:3738-175	1987-07-16
6.		Dicalcium phosphate, animal feed grade	IS:5470-1969	1989-03-16
7.		Refills for portable fire extinguishers and chemical fire engines, foam chemical fire engines 50 litre capacity	IS:5490(Part IV)-1979	19-84-09-01
8.		Fast green, FCF, food grade	IS:6022-1977	1989-09-16

का.आ. 957.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1985 के विनियम 4 के उपविनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :

## अनुसूची

क्रम संख्या	लाइसेंस संख्या	वैद्यता की अवधि	लाइसेंसधारी का नाम और पता	लाइसेंस के अधीन वस्तु/प्रक्रिया	सम्बद्ध भारतीय मानक की संख्या
(1)	(2)	(3)	(4)	(5)	(6)
दिसम्बर 1990 के दौरान स्वीकृत लाइसेंस					
1. 2169353	1990-12-16	सदीप इलेक्ट्रोड्स प्रा. लि., बुलन्व शहर रोड, हाफुड़ जि. गाजियाबाद	संरचना इस्पात के बेल्टिंग की धातु पार्क बेल्टिंग के लिए आवरित इलेक्ट्रीड, चदर के अलावा, ग्रुप एफ	आईएस : 00914-74 (भाग 1)	
2. 2169454	1990-12-16	अशोक केबल वर्क्स, ए-59, फेज-2, मायापुरी, नई दिल्ली-64	बेल्टिंग केबल, उष्मा प्रतिरोधी सामान्य प्रयोजी, तेल प्रति- रोधी और ज्वाला बंदक (एच ओ एफ आर) योगिक तांबा चालक से ठंकी	आईएस : 09837-81	
3. 2169555	1990-12-16	शंभम कंडक्टर्स प्रा. लि., जी-35, सेक्टर 6, नौएडा	शिरोपरि प्रेषणों के लिए जस्तीकृत इस्पात प्रबलित एल्यूमीनियम चालक	आई एस : 03398-76 (भाग 2)	
4. 2169656	1990-12-16	माइको इलेक्ट्रिकल्स (प्रा) लि., डी-2/3 ओखला इंड., एरिया, फेस-II, नई दिल्ली	1100 वो तक कार्यकारी बोल्टता के लिए एल्यूमीनियम और तांबा चालकों वाली कवचित और अकवचित पीवीसी रोधित (हैवी ड्यूटी) बिजली की केबल	आई एस : 01554-76 (भाग 1)	
5. 2169757	1990-12-16	इन्डेन केबल्स, 174 आईडीसी हिसार रोड, रोहतक-124001	1100 वो तक कार्यकारी बोल्टता के लिए एल्यूमी- नियम चालकों वाली कवचित/अकवचित पीवीसी रोधित हैवी ड्यूटी केबल	आई एस : 01554-76 (भाग 1)	
6. 2169838	1990-12-16	वैष्णवी कंडक्टर्स, एफ/4 इंड, एस्टेट (एक्सटेंशन) नंददयाल जि कुरनूल (आ.प्र) 518502	शिरोपरि प्रेषण हेतु एसी एस आर चालक	आई एस : 02373-76 (भाग II)	
7. 2169939	1990-12-16	कोस्टल केबल्स (प्रा) लि, 1 93 ए, इतीकिपाडू, विजयवाड़ा तालुक (आ.प्र.)	शिरोपरि प्रेषणों के लिए जस्तीकृत इस्पात प्रबलित, एल्यूमीनियम चालक	आई एस : 00898-76 (भाग II)	

(1)	(2)	(3)	(4)	(5)	(6)
8. 2170035	1990-12-16	पूर्ण वायर इंडस्ट्रीज 69-1-3 एमएसएस पब्लिक स्कूल रोड पातामाता विजयवाडा (आ.प्र.) 520006	शिरोपरि प्रेषणों के लिए जस्तीकृत इस्पात प्रबलित एल्युमीनियम चालक	आई एम : 00398-76 (भाग II)	
9. 2170136	1990-12-16	मेघ इंडस्ट्रीज, डब्लू जेड-161 बी, ' आ दुसधेरा, डा-पूसा, नई दिल्ली	द्रवों के साथ प्रयुक्त घरेलू गैस चूल्हा, स्टेनलैस इस्पात और निकिल क्रोमियम लेपित सी आर सी चढ़र का ढांचा	आई एम : 04245-84	
10. 2170237	1990-12-16	किंग स्टील रोलिंग मिल्स, जी. टी. रोड, मंडी गोविन्दगढ़ (पंजाब)	संरचना इस्पात (मानक किस्म)	आईएस : 00226-75	
11. 2170338	1990-12-16	नंदी मिलिन्डर्स प्रा. लि. प्लॉट नं. 50 से 53 नौबाद इंड एरिया, बीदर (कर्नाटक) 585401	33.3 लिटर जल धारिता केन्द्र त्रिपैरी सिमेंडर	आई एस : 03196-82	
12. 2170439	1990-12-16	जी.एम. कंडक्टर्स प्रा. लि., एफ-790 रोड नं. 13, बार्किया, जयपुर, राजस्थान 302013	शिरोपरि प्रेषण के लिए जस्ती- कृत इस्पात प्रबलित एल्युमीनियम चालक	आई एस : 00398-76 (भाग 2)	
13. 2170540	1990-12-16	महाराष्ट्र केबल इंडस्ट्रीज, घोड नं. 1, इंडस्ट्रियल एरिया, कमल मैन्युफैक्चरिंग के पांडव मेन रोड, उल्हासनगर (महाराष्ट्र) 421004	1100 बो तक कार्यकारी बोल्डता के लिए एल्युमी- नियम और तांबा चालकों वाली अकवचित और कवचित पीवीसी रोधित (हैवी ड्यूटी) केबल	आई एस : 01554-76 (भाग 1)	
14. 2170641	1990-12-16	अग्रवाल इलेक्ट्रिकल्स, डी-46/1 एमआईडीसी एरिया, जलगांव (महाराष्ट्र) 425003	शिरोपरि प्रेषण के लिए एल्यु- मीनियम के लड़दार चालक	आईएस : 00398-76 (भाग 1)	
15. 2170742	1990-12-16	विन्सन कंडक्टर्स डब्लू-12 एम आईडीसी, कमलेश्वर जि नागपुर (महा.)	शिरोपरि प्रेषण के लिए एल्युमीनियम के लड़दार चालक	आई एस : 00398-76 (भाग I)	
16. 2170843	1990-12-16	जिन्दल स्ट्रिप्स लि, आ-बसिन्द, तेल शाहपुर जि-ठाणे 421664	अतप्त बेहिलित ग्रत्य कार्बन इस्पात चढ़र की कुंडली चीड़ाई 600 मिमी से 1250 मिमी तक मोटाई की रेंज 0.20 से 2.5 मिमी तक ग्रेड-डी	आईएस : 00513-86	
17. 2170944	1990-12-16	एलोमैज इंजीनियर्स, ईचापुर रोड, दासनगर, हावड़ा (प. बं.) 711105	कृषि उपयोग हेतु अपकेन्द्र पम्प के लिए तीन फेजी स्विचरित केज प्रेरण मोटर	आईएम : 07538-75	
18. 2171037	1990-12-16	मुष्मी इलेक्ट्रिक लैम्प वर्क्स, 14/1, बेथाराम चटर्जी रोड, बेहाला, कलकत्ता 700034	टंगस्टन तंतु सामान्य सेवा बिजली के बाल्ब 15वा से 100 वा तक	आई एस : 00418-78	



(1)	(2)	(3)	(4)	(5)	(6)
19. 2171138	1990-12-16	लकी प्लास्टिक, 65/5-ए, नजफगढ़ रोड, नई दिल्ली 110015	औद्योगिक सुरक्षा हैममेट	आई एस : 02925-84	
20. 2171239	1990-12-16	दि इंडियन प्लाईवुड मैन्यु. कं. लि, पो बा न 7, इंडेवी उत्तर कन्नड़ (कर्नाटक) 581325	समुद्र में उपयोग की प्लाईवुड	आई एस : 00710-76	
21. 2171340	1990-12-16	एल्युमीनियम ट्रांसमिशन प्राइवट्स, हंसुर रोड, मंसूर (कर्नाटक) 571186	शिरोपरि प्रेषण के जस्तीकृत इस्पात प्रबलित एल्युमी- नियम जानक	आई एस : 00398-76 (भाग 2)	
22. 2171441	1990-12-16	श्री बाला जी उद्योग इंडस्ट्रीज पो बा न 35, बहादुर रोड, बुरहानपुर 450331	यूपीवीसी पाइप, श्रेणी 2 और 3-63 मिमी से 110 मिमी (सादा और बेल सिरेवाले पाइप) श्रेणी 2 और 3-125 से 165 मिमी (सादा सिरेवाले पाइप)	आईएस : 04985-80	
23. 2171542	1990-12-16	विमल इंडस्ट्रीज, धालवाला, मुनि की रेती जि-देहरी गढ़वाला (उ.प्र.)	संरचना इस्पात (मानक किस्म) सेक्शन गोल सरिफ साइज 10 और 12 मिमी व्यास केवल ग्रेड 410-एस	आई एस : 00226-75	
24. 2171643	1990-12-16	अग्रवाल इंजीनियरिंग वर्क्स, 125 इंड, एरिया, जोतवाड़ा, जयपुर	एस्बेस्टस सीमेंट के दाब के साथ प्रयुक्त सी आईडी जोड श्रेणी 10 साइज 150 मिमी तक	आई एस : 08794-88	
25. 2171744	1990-12-16	महावीर पीवीसी केबल फैक्ट्री बालागंज बंध, गोविन्दपुर ठेकानन (उड़ीसा)	1100 बी तक कार्यकारी वोल्टता के लिए एल्युमी- नियम और तांबा चालकों वाली खोलरहित पीवीसी केबल	आई एस : 00694-77	
26. 2171845	1990-12-16	जैको इंडस्ट्रीज, एस/175, इंड, एरिया जालंधर	एमसीआई पाइप फिटिंग	आई एस : 01879-75	
27. 2171946	1990-12-16	सरीन इंडस्ट्रीज प्लाट नं. 198 दादा कालोनी, इंड एरिया जालंधर 14406	एम सीआई पाइप फिटिंग	आई एस : 01879-75	
28. 2172039	1990-12-16	गौरी शंकर केबल इंडस्ट्रीज, के एम बालसा (ग्रा), रिंगीड, अमडालावाला मंडलम, श्रीकाकुलम जि (ग्रा. प्र.) 532440	शिरोपरि प्रेषण हेतु जस्तीकृत इस्पात प्रबलित एल्युमीनियम चालक	आई एस : 00398-76 (भाग 2)	
29. 2172140	1990-12-16	मित्तल इंजीनियरिंग वर्क्स, ग्रा. लि. की इकाई इंड. एरिया, गाजियाबाद- 201002	संरचना इस्पात (बद्ध के अलावा) की धातु आर्कवेल्डिंग के लिए आवरित इलेक्ट्रोड	आई एस : 00814-74 (भाग 1)	

(1)	(2)	(3)	(4)	(5)	(6)
30.	2172241	1990-12-16	जोगिन्दर मेटल वर्क्स, बी-35, फेज 2, मायापुरी, नई दिल्ली- 110064	द्रवों के साथ घरेलू गैस चूल्हा, निकिल/क्रोमियम लेपित सी आर सी चद्दर और स्टेनलैस इस्पात ढाचा दो बर्नर सहित	आई एम 04246-84
31	2172342	1990-12-16	नीलुका मेटल पावर एंड कैमीकल्स, 261 मालनपुर इंड. एरिया, जि. भिड	भवनो के बाहर प्रयोग के लिए, फिनिशिंग हेतु सखिल्ट इनेमल सा संवर्ग 1, 17 और 20 केवल	आई एम 02932-74
32	2172443	1990-12-16	ओमीन गारमेन्ट्स, 24 पुराना न. बी-ए, रामनगर मेन रोड, तिरुपुर तमिलनाडु- 638602	प्लेन बुनी सूती बनियान, टाइप आरएन और आरएनएस साइज 75 से 110 सेमी. गेज 24 केवल	आई एस : 04964-80
33.	2172544	1990-12-16	सुमेक्स कैमीकल्स लि., स्टेट हाउसे नं. 6, छा. भाडेली जि. बलसाड (गुजरात) 398030	फेनवेलरेट, तकनीकी गेड	आई एस : 12003-87
34	2172645	1990-12-16	ईडाना फूड्स लि., गौरवनगर, 30 किमी., दिल्ली मेरठ रोड, छा. मुरादनगर, जिला- गाजियाबाद	बिस्कुट	आई एस : 01011-81
35.	2172746	1990-12-16	एक्वावार्ड प्लास्टिक्स एंड पालीगर्स प्रा. लि., ए-1/839 जी आई डी सी, इड. स्टेट, बड़ीदा 390010	एचडीपीई पाइप मकारपुरा श्रेणी 2, 3, 4 और 5 साइज 110 मिमी तक	आई एस : 04984-87
36.	2172847	1990-12-16	मुपरणाइन डेमेस्टिक एप्ला- इन्मेज, कमरा न. 333, हरिजन अस्ती, कगवल नगर, दिल्ली - 110094	द्रवों के साथ प्रयुक्त घरेलू गैस चूल्हा, निकिल क्रोमियम लेपित सीआरसी चद्दर या स्टेनलैस इस्पात ढाचा, दो बर्नर सहित	आई एस : 04246-84
37	2172948	1990-12-16	नेशनल रेडियो एंड इलेक्ट्रो- निक्स क. लि., महाकाली रोड, चाकला, अंधेरी पू.	20" (5 सेमी) रगिन टीवी रिसीवर मॉडल (टी-2033 डी)	आई एस : 10662-83
38	2173041	1990-12-16	नेशनल फार्म कैमीकल्स, बी-16, इड. एरिया, यूपीएमआईडीसी मिफन्द्राबाद जि. बुलन्दशहर (उ. प्र.)	बी एच सी मरकत चूर्ण 1 3% गामाआइसोमर अश	आई एस : 00561-78
39	2173142	1990-12-16	यूनाइटेड पेस्टीसाइड्स, हरीप्लेस रोड, अम्बाला शहर	आइसोप्राटयूरान डब्ल्यूपी	आई एस : 11995-87

1	2	3	4	5	6
40.	2173243	1990-12-16	अर्जुन एन्टरप्राइजेज, डब्ल्यू जेड 161/19 सी, खजान बस्ती, नागलराय, नई दिल्ली - 110064	ब्रेपेग हेतु चूल्हे	आई एस : 04246-84
41.	2173344	1990-12-16	श्री वैष्णवी कंडक्टर, एफ-4, इ. ड. एस्टेट, एक्सटेंशन, नदियाल, जि. कुरनूल (आ. प्र.) 518502	ए. एस. चालक	आई एस : 00398-76 (भाग 1)
42.	2173445	1990-12-16	चदा इंडस्ट्रीज, खमरा नं. 894, बाल डोरा (आबादीदेह) अलीपुर, दिल्ली-110036	ब्रेपेग हेतु चूल्हे	आई एस : 04246-84
43.	2173546	1990-12-16	एमोसिएटेड सिलिडर्स, प्रा. लि., बारीआहमण, सिडको इंड काम्पलेक्स, जम्मू	6.0, 9.7, 18.0, 27.0, 33.3, और 79.0 लिटर जलधारिता के ब्रेपेग सिनिडर	आई एस : 03196-82
44.	2173647	1990-12-16	एमपी प्लाईवुड लि., ग्रा. एमलीखेड़ा डा, जिला- छिंदवाडा-480001	लकड़ी के फलशुद्धी गटर सजा- बटी पाइप ईग्न टाइप	आई एस : 02202-83
45.	21737448	1990-12-16	अर्चना इंडस्ट्रीज, 286 साठे रोड, कोयम्बतूर - 461012	जेट अपकेन्द्री पम्प टाइप एसएजे	आई एस : 12225-87
46.	2173849	1990-12-16	श्रेयांस इलेक्ट्रिकल कंडक्टर, प्रा. लि., ए-88 सेक्टर 4, नौएडा- 301301	ए. एस. आर चालक	आई एस : 00398-76
47.	2173950	1990-12-16	दिलबाग इंडस्ट्रीज, जीटी रोड इंड एरिया के सामने, फगवाड़ा-144401	कृषि प्रयोजनों के लिए क्षैतिज अपकेन्द्री पम्प साइज 100 × 100 और 80 × 65 मिमी	आई एस : 06595-80
48.	2174043	1990-12-16	श्रेयांस इलेक्ट्रिकल कंडक्टर, प्रा. लि., ए-88, सेक्टर 4, नौएडा (उ. प्र.) 201301	एल्यूमीनियम के लवदार चालक	आई एस : 00398-76 (भाग 1)
49.	2174144	1990-12-16	राज्य श्री सीमेंट, आदित्य- नगर, मालखेड रोड, गुलबर्गा, जिला (कर्नाटक) 585317	साधारण पोर्टलैंड सीमेंट	आई एस : 12269-87
50.	2174245	1990-12-16	श्री करुणाश्रिका इंजी वकर्स, एम एफ - 488, तिरुपुर रोड, आम्रविनाश्री (तमिलनाडु) 638654	कृषि प्रयोजनों के लिए क्षैतिज अपकेन्द्री पम्प	आई एस : 06595-80

1	2	3	4	5	6
51.	2174346	1990-12-16	सरयू प्लास्टिक्स प्रा. लि., पेयजल आपूर्ति के लिये यूपी प्लॉट नं. 1/43, बीसी पाइप श्रेणी 2 और 3 विशालदान के सामने, साइज 63 से 250 मिमी ग्रा- छत्रल तालुक-कलोन, नक 125 मिमी को छोड़कर जिला- मेहसाणा		आईएस : 04985-88
52.	2174447	1990-12-16	माइक्रो इंडस्ट्रियल इक्विप्मे- बेट टाइप निभज्जय पम्प बेट न्ट्स, 31 थिक्कलूर स्ट्रीट, टाइप एमआर 50/5 रामकृष्णनगर, करुणडाम- साइज 50 मिमी पलायम, कोयम्बतूर- 641030		आईएस : 08034-89
53.	2174548	1990-12-16	रामा डोमेस्टिक एप्लाइंजेज, द्रपेरी हेतु चूल्हे बी-24, लारेंस रोड, इंड एरिया, दिल्ली - 110035		आईएस : 04246-84
54.	2174649	1990-12-16	आर. जे. इंडस्ट्रीज इस्पात के कब्जे मध्यम भार खसरा नं. 22/9/3, साइज 75 से 100 मिमी गली नं. 8, समयपुर तक (बादली) दिल्ली-110042		आईएस : 01341-81
55.	2174750	1990-12-16	राजालक्ष्मी निटिंग मिल्स, प्लेन बुनी सूती बनियान टाइप 15 गजलक्ष्मी थ्येटर रोड, आर और आर एन एस साइज तिरुपुर - 638604 75 से 110 सेमी तक		आईएस : 04964-80
56.	2174851	1990-12-16	विधनेश सीमेंट वर्क्स (प्रा) साधारण पोर्टलैंड सीमेंट लि., गरियामल, डा- बड़ागाँव, जि- सुन्दरगढ़ (उड़ीसा)		आईएस : 00269-89
57.	2174952	1990-12-16	राज्यश्री सीमेंट आदित्यनगर, 43 ग्रेड साधारण पोर्टलैंड मालखेड रोड, सीमेंट जिला- गुलबर्गा, (कर्नाटक) 585317		आईएस : 03112-76
58.	2175045	1990-12-16	संदीप सीमेंट प्रा. लि., साधारण पोर्टलैंड सीमेंट उद्योग नगर, प्लॉट नं. 1 और 2, महुवा, जिला- भावनगर- 364090		आईएस : 0026-89
59.	2175146	1990-12-16	बूड क्राफ्ट प्रा. लि., ब्लॉक बोर्ड ग्रेड 2 और डा- क्षिप्पू, जि-कार्विमान्लोंग टाइप 2 (असम)		आईएस : 01659-79
60.	2175247	1990-12-16	पेरामाउन्ट इंड., नं. 1, एक फेजी सर्वो मोटर मुगेश स्ट्रीट नगर, मद्रास (तमिलनाडु) 600017		आईएस : 09815-69

(1)	(2)	(3)	(4)	(5)	(6)
61	2175348	1990-12-16	जयमशेदपुर सीमेंट प्रा. लि. प्लॉट नं. एम-20 (प्रा.) फेज 6, आदित्यनगर इंड. एरिया, जयमशेदपुर (बिहार) - 831013	पोर्टलैंड धातु सीमेंट	आई एम : 00455-76
62.	2175449	1990-12-16	हिन्दुस्तान मिलिन्डर कं. लि., पीपी-6-532, पारसाला, नयाटिकारा, त्रिवेन्द्रम (केरल) 695502	फिआन गैस के लिए बेल्डिंत अल्प कार्बन इस्पात गैस सिलिंडर 68 लिटर धारिता	आई एस : 03196-82
63.	2175550	1990-12-16	विनायक इलेक्ट्रिकल इंडस्ट्रीज बी-46, दय्यासेन्ना इंड. एस्टेट, महादेव पुरा डा-बंगलौर	एक फेजी संधारित्र स्टार्ट प्रेरणन मोटर श्रेणी बी रोधन, 0.37 किवा	आई एस : 00996-79
64.	2175651	1991-01-01	ज्योति रबड़ उद्योग (इंडिया), प्रा. लि., ए-108, सेक्टर 5, नीएडा, गाजियाबाद	हवा के लिए रबड़ की होज टाइप 1 और टाइप 2 साइज 8 मिमी से 50 मिमी सांकेतिक बोर	आई एस : 00446-87
65	2175752	1991-01-01	बंगलौर पेस्ट्रीमाइडस लि., 16वां किमी, तुमकुर रोड, बंगलौर - 560073	ब्राइकोफाल ईसी	आई एस : 05279-69
66.	2175954	1991-01-01	बीटा पम्पस प्रा. लि., 2 सेन्ट एन्थोनी इंड एस्टेट 10वां किमी का पत्थर, कनकपुरा रोड, जेपी नगर, डा-बंगलौर 560078	निमज्ज्य पम्प सैट साइज 150 मिमी टाइप एमटीआई	आई एम : 08034-89
67.	2175958	1991-01-01	कश्यप ब्रदर्स, 14, शैलेश पार्क, डा. पालीटेकनीक, अग्रवाल हॉल के पास, डा. राधाकृष्णनन रोड, अहमदाबाद - 320015	आग टाइप सुवाह्य अग्नि शामकों के लिए रिकल धारिता 9 लिटर	आई एस : 05490-77 (भाग 2)
68.	2176047	1991-01-01	सरल प्लास्टिक्स प्रा. लि. पंच कुहाडा, तालुक—बायाड डा बुटल जि—साबरकांठा	पेयजल आपूर्ति के लिए यू पी बी सी के पाइप श्रेणी-2	आई एस : 04985-88
69			किसान कैमीकल्स, 41 इंड० एरिया, फेज 3, चंडीगढ़	साइपर मेथन ई सी 10 और 25% द्रव्यमानुसार	आई एस : 12016-87
70.	2176249	1991-01-01	विशाल इंजी. वर्क्स, जे. सी. बंगाड काम्पलेक्स, कमाल विद्यालय के पास, सी टी एस रोड, श्रीधय, अहमदाबाद 332415	कृषि प्रयोजनों हेतु माफ, ठंडे ताजे पानी हेतु मानोसेट पम्प	आई एस : 09079-89

1	2	3	4	5
71. 2176350	1991-01-01	तराई स्पन पाइप, कंक्रीट पाइप, श्रेणी एन पी 2 ग्राम भागोरी तहसील सितारगंज साईज 300, 450, 600 जि-नैनीताल (उ०प्र०) और 800 मि मि		आई एस : 00458-71
72. 2176451	1991-01-01	मनी पट्टम एंड टार प्राइवेट, टिमें प्राइमर 73-ए, सेक्टर सी, मनवर रोड, इंडो स्टेट, इन्दौर (म.प्र.)		आई एस : 03384-86
73. 2176552	1991-01-01	परफेक्ट पम्पस् प्रा लि 62-बी, कृषि प्रयोजनों हेतु क्षैतिज उद्योग पुरी, अमर रोड, अपकेन्द्री पम्प उज्जैन-456006		आई एम : 06595-80
74. 2176653	1991-01-01	बंजरंगबली आयल एंड स्टील कं. लि. 100-ए, बेसिन रोड, थिरसोटियूर मद्रास-600019	संरचना इस्पात (मानक किस्म)	आई एस:-00226-75
75. 2176754	1991-01-01	फाइवो रीनफोर्डेड प्ला-स्टिक प्रा. लि., न. 48/बी, छठा मेम एन ब्लाक, थर्ड स्टेट, राजाजी नगर-560010	सम्पर्क संचकन टाइप जी आर पी रेजिन के उकड़ू बैठने वाले शीचपात्र	आई एम : 11246-85
76. 2176955	1991-01-01	दि इंडियन प्लाईवुड मैन्-फैक्चरिंग क. लि., पो.वा. न. 7 इनडेली (उबरकन्नड)-581325	सामान्य प्रयोजन हेतु प्लाईवुड श्रेणी 1 बी डब्ल्यू पी और बी डब्ल्यू आर ग्रेड टाइप एए	आई एम : 00303-75
77. 2176956	1991-01-01	निप्पोन डेनरो इस्पात लि., ए-101, एम आई डी सी कमलेश्वर (जि. नागपुर) एरिया, 441501	अतप्त बेल्डित अल्प कार्बन इस्पात चद्दर और पत्ती	आई एस : 00513-86
78. 2177049	1991-01-01	मैट्रो स्टील रोलिंग मिल्स, प्लाट नं. ए 118 और 119 एम आई डी सी, फेज 1, स्टेट बैंक आफ इंडिया के पास, डोनविली जि-ठोणे	कंक्रीट प्रबलन के लिए एच एस डी इस्पात के सरिए	आई एम : 01786-85
79. 2177150	1991-01-01	गोयोलिन फाइवर्म (इंडिया) प्रा. लि., 24/2-ई रिगनवाडा, काचीगामरोड, दमन-396210	1100 वो तक कार्यकारी वोल्टता के लिए एल्यूमी- नियम चालकों वाली पी वी सी रोधित केबल	आई एस : 00694-77
80. 2177251	1991-01-01	मनीष एन्टरप्राइजेज, शेड न. 5/4 जी आई सी, मकारपुरा डा.न. 770, बड़ौदा-330101	बनस्पति, खाद्य तेल और बेकरी गोयन के लिए 15 किग्रा के चौकोर कमस्तर	आई एस : 10325-89

1	2	3	4	5
81. 2177352	1991-01-01	विद्या इंडस्ट्रीज, बांदा-बेबन रोड, बांदा (उ. प्र.)	1100 यो तक कार्यकारी बोस्टना के लिए एल्युमी- नियम चालकों वाली पी वी सी रोहित केबल	आई एस : 00694-77
82. 2177453	1991-01-01	विमल इंडस्ट्रीज, धालवाला, मनिकीरेती इंड एरिया, जि-टेहरी, गढ़वाल	कंक्रीट प्रबलन के लिए एच एस डी इस्पात के सरिए	आई एस : 01786-85
83. 2177554	1991-01-01	अकल मेटल वर्क्स, बाईपास, जी टी रोड, लेम्बापिंड	क्षेत्रीय अपकेंद्री पम्प	आई एस : 06595-80
84. 2177655	1991-01-01	जे. एस. इंडस्ट्रीज, एच-141, इंड. एरिया, जालंधर	क्षेत्रीय अपकेंद्री पम्प	आई एस : 06595-80
85. 2177756	1991-01-01	एलाइड आर्किटेक्चर प्रॉडक्ट्स, जमुना गेज नं. 28, तंगारेशर इंड. काम्प्लेक्स नं. 1, ग्रा-सतीवाली, बसई (पू) जि-ठाणे	दरवाजे के हृत्थे टाइप 4 साइज 100 मिमी	आई एस : 00208-87
86. 2177857	1991-01-01	सांधी आर्गनाइजेशन, प्लाट नं. 4, एम आई डी सी एरिया, नमोजा, जि-रायगढ़	एसिटिलीन जेनरेटर धारिता रेटिंग 45एम3 एच	आई एस : 08471-77 (भाग 4)
87. 2177958	1991-01-01	कमल इंडस्ट्रीज, डी-16 और 17, इंड. एस्टेट, चंडूलाल बराछारी, हैदराबाद-500264	18 लिटर के चौकोर कनस्तर	आई एस : 00916-75
88. 2178051	1991-01-01	प्रताप स्टील रोलिंग मिल्स लि. (1935) लि., 601 सेक्टर 4, पीथमपुर जि-धार (म. प्र.)	मोटर वाहन के निलम्बन हेतु बोल्सूट हैलीकल और परत- दार कमानों के उत्पाद के लिए इस्पात	आई एस : 03431-82
89. 2178152	1991-01-01	स्टील आर्थरडी आफ इंडिया लि., आर एंड सी लैबोरेट्री, बोकारो स्टील प्लांट, मुख्य प्रशासनिक बिल्डिंग, बोकारो स्टील सिटी- 827001	ग्रतप्त वेलिलत जस्तीकृत इस्पात चद्वर सादा और नलीदार	आई एस : 00277-85

1	2	3	4	5	6
90.	2178253	1991-01-01	खोडियार पी वी सी पाइप्स लि., बीजापुर हाइवे रोड, मनसा, तालुक-बीजापुर, जि-मेसाना-382845	पेयजल आपूर्ति के लिए यू पी वी सी पाइप श्रेणी 2 साइज 75 से 160 मिमी. (175 मिमी को छोड़कर)	आई एस : 04985-88
91.	2178354	1991-01-01	गोयोलीन फाइबरस इंडिया लि., 24/2ए रिगनवाड़ा, काचीगामे रोड ऐड, बमन-396210	1100 वों तक कार्यकारी बोल्टता के लिए पी वी सी रोधित हैवी इयूटी बिजली की केबल	आई एस : 01554-76 (भाग 1)
92.	2178455	1991-01-01	वि आंध्रा सीमेंट क. लि. दुर्गापुरम, आ-वाचीपल्ली, जि-गुंटूर (आ-प्र.)-522414	43 ग्रेड साधारण पोर्टलैंड सीमेंट	आई एस : 08112-76
93.	2178555	1991-01-01	चेन्ना स्टील ट्यूब्स प्रा लि. प्लॉट नं. 10 सेक्टर 3, परवानू (हि. प्र.)	एम एस पाइप साइज 32 मिमी से 100 मिमी	आई एस : 01239-79 (भाग 1)
94.	2178657	1991-01-01	अग्रवाल स्पन पाइप फैक्ट्री, 3 इंड. एरिया माकसी, शाहजहांपुर (म. प्र.)	कंक्रीट पाइप श्रेणी एन पी 2 और एन पी 3 साइज 900 से 1200 मिमी	आई एस : 00458-71
95.	2178758	1991-01-01	श्री महावीर सीमेंट वर्क्स, प्रो-रामगढ़ स्टील एंड कास्टिंग प्रा. लि., आरगढ़ रोड, आ-मारार जि-हजारीबाग (बिहार)	पोर्टलैंड धातु वाला सीमेंट	आई एस : 00455-76
96.	2178859	1991-01-01	जेबलिन सीमेंट प्रा लि., प्लॉट नं. 1, इंड. एरिया, पो. बा. 64, साजनगढ़ (राज)- 331507	पोर्टलैंड धातु वाला सीमेंट	आई एस : 00269-89
97.	2178960	1991-01-01	राजपुरा टिन मैन्यू क., शेड 28, फोकल प्वाइंट, राजपुरा (पंजाब)	घी, बनस्पति, तेल और बेकरी गोयन के लिए 15 किग्रा. के चौकोर कनस्तर	आई एस : 10325-89
98.	2179053	1991-01-01	श्री बैजू पेपर्स (प्रा.) लि., आ-पीपल-गांव, मंगरील, तालुक-येन, जि-रायगढ़ (महाराष्ट्र)- 2402107	एल्युमीनियम के लड़दार चालक	आई एस : 00398-76 (भाग 1)



1	2	3	4	5	6
99. 2179154	1991-01-01	ईस्ट कोस्ट स्टील लि., गुड्डालोर रोड, पिल्लादियार, कृष्णम पो, बहादुर कम्पून पंचायत पांडिचेरी-607402	कान्कास्ट विलेट (साधारण गुणता)		आई एस : 06915-78
100. 2179255	1991-01-01	सत्य साई केबल्स प्रा लि. इंड. डब एरिया, रैनीगुटा जि-चिन्दौर (आ प्र)-517520	अस्तीकृत इस्पात प्रबलित एल्यु- मीनियम चालक		आई एस : 00398-76 (भाग 2)
101. 2179356	1991-01-01	बीमा मैनुफैक्चरर्स प्रा. लि., ए-8, एम्बात्तूर इंड. एस्टेट मद्रास-600058	एक फेजी छोटे ए सी मोटर श्रेणी ई रोधन, 0.75 किवा रेटिंग		आई एस : 00996-79
102. 2179457	1991-01-01	लीलाकृष्ण इंडस्ट्रीज, 324 एवी के रोड पीलामेडु कोंयम्बत्तूर 641004	एक फेजी छोटे एसी मोटर श्रेणी बी रोधन 0.37 और 0.75 किवा		आई एस : 00996-79
103. 2179558	1991-01-01	दीपक केबल्स (इंडिया) प्रा. लि. नं. 1 इंड. एस्टेट तुमकुर, (कर्नाटक)-573103	एल्युमीनियम के लड़दार चालक		आई एस : 00398-76 (भाग 2)
104. 2179659	1991-01-01	एल्युमीनियम ट्रांसमिशन प्राइवेट्स लि., 33 वेलावाडी इंड एरिया, हुवसुर रोड मैसूर (कर्नाटक)-572186	एल्युमीनियम के लड़दार चालक		आई एस : 00398-76 (भाग 1)
105. 2179760	1991-01-01	प्रताप स्टील रोलिंग (1935) लि., 60 सेक्टर 3, पीक्षमपुर, जिधर (म. प्र.)	गरचना इस्पात (मानक किस्म)		आई एस : 00226-75

S.O. 957—In pursuance of sub-regulation (5) of regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule.

### THE SCHEDULE

Sl. Licence No. No. (CM/L—)	Operative Date	Name and address of the licensee	Article/Process covered by the licences and the relevant	IS: Designation
(1)	(2)	(3)	(4)	(5)

#### List of Licences Granted during the Month of December 1990

1. 2169353	1990-12-16	Sandeep Electrodes Pvt. Ltd. Bulandshahar Road Hapur Distt. Ghaziabad (UP)	Covered Electrodes for Metal Arc welding of structural steel for welding products other than sheets for Group F	IS 00814 : 74 (Part I)
2. 2169454	1990-12-16	Ashoka Cable Works A-59, Phase II Mayapuri New Delhi 110064	Welding Cables, Heat resisting General Purpose oil resisting and flame retardent (HDFR) compound covering with copper conductor	IS 09857:81
3. 2169555	1990-12-16	Subham conductors Pvt. Ltd. G-35, Sector VI Noida 201301	Aluminium conductors, galvanized steel re-inforced for overhead transmission purposes	IS 00398 : 76 (Part II)
4. 2169656	1990-12-16	Hycos Electricals (P) Ltd. D-2/3, Okhla Indl. Area Phase II New Delhi 110020	PVC insulated (heavy duty) Electric cables for working voltages upto and including 1100V. armoured and unarmoured with alum. & copper conductors	IS 01554 : 76 (Part I)

(1)	(2)	(3)	(4)	(5)
5. 2169757	1990-12-16	Indane Cables 174, IDC Hissar Road Rohtak 124001	PVC insulated (heavy duty) electric cables armoured/ unarmoured with aluminium conductors for working voltages upto & including 1100V	IS 01554 : 76 (Part I)
6. 2169858	1990-12-16	Sri Vyshnavi Conductors F/4, Indl. Estate (Extension) Nandyal Distt. Kurnool (AP) 518502	ACSR conductors for overhead transmission purposes	IS 00398 : 76 (Part II)
7. 2169959	1990-12-16	Coastal Cables (P) Ltd. 1/93A, Enikepadu Vijayawada Taluq (AP).	Aluminium conductors gal- vanized steel re-inforced for overhead transmission purposes	IS 00398 : 76 (Part II)
8. 2170035	1990-12-16	Poorna Wire Industries 69-1-3 N.S.M. Public School Road Patamata Vijayawada (AP) 520006	Aluminium conductors galva- nized steel re-inforced for overhead transmission purposes	IS 00398 : 76 (Part II)
9. 2170136	1990-12-16	Mesh Industries WZ-161B Village Dusghara PO Pusa New Delhi 110012	Domestic gas stoves for use with LPG. stainless steel & Ni/Cr plated CRC sheet body	IS 04246 : 84
10. 2170237	1990-12-16	King Steel Rolling Mills G.T. Road Mandi Gobindgarh (Punjab)	Structural Steel (Standard Quality)	IS : 00226 : 75
11. 2170338	1990-12-16	Nandi Cylinders Pvt. Ltd. Plot No. 50 to 53 Naubad Indl. Area Bidar (Karnataka) 585401	LPG Cylinders of water Capacity of 33.3 litres	IS 03196 : 82
12. 2170439	1990-12-16	S.M. conductors (P) Ltd. F-790, Road No. 13 VKIA Jaipur (Rajasthan) 302013	Aluminium conductors, Galva- nized steel re-inforced for overhead transmission purposes	IS:00398: 76 (Part II)
13. 2170540	1990-12-16	Maharashtra Cable Industries Shed No 1 Indl. Area, Kamal Manufacturing Compound Main Road Ulhasnagar (Maharashtra) 421004	PVC Insulated (Heavy Duty) Electric Cables for working Voltages upto & including 1100V. Armoured & un- armoured with aluminium & copper conductors	IS 01554 : 76 (Part I)
14. 2170641	1990-12-16	Agarwal Electricals D-46/1, MIDC Area Jalgaon (Maharashtra) 425003	Aluminium stranded conduc- tors used for overhead transmission purposes	IS 00398 : 76 (Part I)

1	2	3	4	5
15. 2170742	1990-12-16	Vinson Conductors W-12, MIDC Kamleshwar Distt. Nagpur (Maharashtra)	Aluminium stranded conductors for overhead transmission purposes	IS 00398 : 76 (Part I)
16. 2170843	1990-12-16	Jindal Strips Ltd Village Vasind Tal Shahapur Distt. Thane 421664	Cold rolled low carbon steel sheets coil of width from 600mm to 1250 mm  Thickness range from 0.20 to 2.5mm, Grade D	IS 00513 : 86
17. 2170944	1990-12-16	Elmech Engineers Ichapur Road Dasnagar Howrah (WB) 711105	Three phase Squirrel cage Induction motors for Centrifugal Pumps for Agricultural Application.	IS 07538:75
18. 2171037	1990-12-16	Sunny Electric Lamp Works 14/1, Becharam Chatterjee Road Behala Calcutta 700034	Tungsten Filament General Service Electric Lamps from 15W upto & Including 100 W	IS 00418 : 78
19. 2171138	1990-12-16	Lucky Plastic 69/5-A, Najafgarh Road New Delhi-110015	Industrial Safety Helmets	IS 02925: 84
20. 2171239	1990-12-16	The Indian Playwood Mfg. Co. Ltd. Post Box No. 7 Dandeli Uttar Kannada (Karnataka)-581325	Marine Plywood	IS 00710: 76
21. 2171340	1990-12-16	Aluminium Transmission Products (P) Ltd. 33, Belavadi Indl. Area Hunsur Road Mysore (Karnataka) 571186	Aluminium conductors, Galvanized Steel Re-Inforced for Overhead Transmission Purposes	IS 00398: 76 (Part II)
22. 2171441	1990-12-16	Shree Balaji Industries P.B. No. 35 Bahadurpur Road Burhanpur-450331 (MP)	UPVC Pipes Class 2 & 3-63MM to 110 110 MM (Plain Bell end Pipes) Class 2 & 3-125 MM to 160MM (Plain end Pipes only)	IS 04985: 80
23. 2171542	1990-12-16	Vimal Industries Dhalwala Muniki Reti Indl. Area Distt. Tehri Garhwal (UP)	Structural Steel (Standard Quality) Section Round Bars Size 10 & 12 MM Dia Only, Grade Fe 410-S	IS 00226:75
24. 2171643	1990-12-16	Agrawal Engg. Works 125, Indl. Area Jhotwara  Jaipur 302012	CID Joints for use with Asbestos Cement Pressure Pipes for Class 10, Sizes upto & Including 150 MM	IS 08794: 88

1	2	3	4	5
25. 2171744	1990-12-16	Mahavir PVC Cable Factory Baladia Bandh Govindpur Dhenkanal (Orissa)	PVC Insulated cables for Work in G Voltages upto and including 1100 volts, Unsheatheed with Aluminium & Copper Conductors	IS 00694: 77
26. 2171845	1990-12-16	JECO Industries S/175 Industrial Area Jalandhar	MCI Pipe Fittings	IS 01879:75
27. 2171946	1990-12-16	Sarin Industries Plot No. 198 Dada Colony Indl. Area Jalandhar-144004	MCI Pipe Fittings	IS 01879: 75
28. 2172039	1990-12-16	Gowri Sankar Cable Industries K.M. Valasa (Village) Regidi Amadalavalasa Mandalam Srikakulam Distt. 532440 (AP)	Aluminium Conductors, Galvanized Steel Re-Inforced for Overhead Transmission purposes	IS 003 98: 76 (Part II)
29. 2172140	1990-12-16	Mittal Engineering Works A unit of Mittal Engineering Works Pvt. Ltd. C-23 Bulandshahr Road Indl. Area Ghaziabad 201002	Covered Electrodes for Metal ARC welding of Structural Steel (other than Sheet)	IS 00814: 74 (Part I)
30. 2172241	1990-12-16	Joginder Metal Works B-55, Phase-II Mayapuri New Delhi-110064	Domestic Gas Stoves for use with LPG, NI/Cr Plated CRC Sheet & Stainless steel Body with double Burners	IS 04246: 84
31. 2172342	1990-12-16	Neeluka Metal Power & Chemicals 261-Malanpur Indl. Area Distt. Bhind (MP)	Enamel, Synthetic, Exterior Finishing, Colour Category No. 1, 17 & 28 only	IS 02932: 74
32. 2172443	1990-12-16	Omina Garments 24 (Old No. 8 A) Ramnagar Main Road Tirupur -638602 (Tamilnadu)	Plain Knitted Cotton vests Type RN and RNS Size 75 to 100 CM and Gauge 24 only	IS 04964: 80
33. 2172544	1990-12-16	Sumex Chemicals Ltd. State Highway No. 6 P.O. Bhadeli Distt. Valsad (Gujarat) 396030	Fenvalerate, Technical	IS 12003 : 87

1	2	3	4	5	6
34. 2172645	1990-12-16	Indana Foods Ltd., Gaurav Nagar 30 KM Delhi-Meerut Road PO Muradnagar Distt. Ghaziabad	Biscuits		IS 01011: 81
35. 2172746	1990-12-16	Acquaguard Plastics & Polyme RS Pvt. Ltd., A-1/839, GIDC Makar Pura Indl. Estate Baroda 390010	HDPE Pipes Class 2,3,4 and 5 Sizes upto and Including 110 mm		IS 04984: 87
36. 2172847	1990-12-16	Super Shine Domestic Applian CES Khasra No, 333 Harijan Basti Karawal Nagar Delhi 110094.	Domestic gas Stoves for use with LPG, Ni/Cr Plated Crc or Stainless Steel Body, Double Burner (CI)		IS 04246: 84
37. 2172948	1990-12-16	The National Radio & Electronics Co. Ltd. Mahakali Road Chakala Andheri (East) Bombay 400093	20" (51 CM) CTV Receiver Model (T-2039 D)		IS 10662: 83
38. 2173041	1990-12-16	National Farm Chemicals B-16, Indl. Area UPSIDC, Sikandrabad Distt. Bulandshahr (UP)	BHC Dusting Powder 1.3 % Gama Isomer Content		IS 00561: 78
39. 2173142	1990-12-16	United Pesticides Haripalace Road Ambala City.	Isoproturon WP		IS : 11995 : 87
40. 2173243	1990-12-16	Arjun Enterprises WZ-161/19-C Khajan Basti, Nangalrai New Delhi-110064	Stoves for LPG		IS 04246 : 84
41. 2173344	1990-12-16	Sri Vyshnavi Conductors F/4, Indl. Estate Extension Nandyal Distt. Kurnool (AP) 518502	AAC Conductors		IS 00398 : 76 (Part 1)
42. 2173445	1990-12-16	Chanda Industries Khasra No. 894 Lal Dora (Abadi Deh) Alipur Delhi-110036	Gas Stoves for LPG		IS 04246 : 84
43. 2173546	1990-12-16	Associated Cylinders Pvt. Ltd. Bari Brahamane Siddo Indl. Complex Jammu	LPG Cylinders of Capacity 6.0, 9.7, 18.0, 27.0, 33.3, and 79.0 Litres		IS : 03196 : 82

1	2	3	4	5
44. 2173647	1990-12-01	M.P. Plywood Ltd. Village Imlikhera Post Distt. Chhindwara 480001	Wooden Flush Door Shutters decorative BN type	IS 02202 : 83 (Part 1)
45. 2173748	1990-12-16	Archana Industries 286, Sathy Road Coimbatore-641012	Jet Centrifugal Pumps Type Saj	IS : 12225 : 87
46. 2173849	1990-12-16	Srikansh Electrical conductors Pvt. Ltd. A-88, Sector IV NOIDA-201301	ACSR Conductors	IS 00398 : 76 (Part II)
47. 2173950	1990-12-16	Dilbag Industries G.T. Road Opp. Indl. Area Phagwara-144401	Horizontal Centrifugal Pumps for Agricultural Purposes size 100 × 100 and 80 × 65 MM	IS 06595 : 80
48. 2174043	1990-12-16	Sriyansh Electrical conductors Pvt. Ltd. A-88, Sector IV NOIDA (UP) 201301	Aluminium Stranded conductors	IS 00398 : 76 (Part I)
49. 2174144	1990-12-16	Rajashree Cement Adityanagar Malkhed Road Gulbarga Distt. Karnataka-585217	Ordinary Portland Cement 53 Grade	IS 12269 : 87
50. 2174245	1990-12-16	Sri Karunambika Engg. Works SF 488, Tirupur Road Avanshi (TN) 638654	Horizontal Centrifugal Pumps or Agricultural Purposes	IS 06595 : 80
51. 2174346	1990-12-16	Saryu Plastic Pvt. Ltd. Plot No. 1143 Opp. Qualitron Village Chatral Taluka Kalol Distt. Mehsana	UPVC Pipes for Potable Water Supplies Class 2 and 3 Size 63 to 250 MM Except 125	IS 04985 : 88
52. 2174447	1990-12-16	Micro Industrial Equip- ments 31, Thiruvallur Street Ramakrishna Nagar Karundam Palayam Coimbatore-641030	Wet type submersible pumpsets type MR 50/5 Size 50 MM	IS 08034 : 89
53. 2174548	1990-12-16	Rama Domestic Appliances B-24, Lawrence Road Indl. Area Delhi-110035	Gas Stove for use with LPG	IS 04246 : 84
54. 2174649	1990-12-16	R.J. Industries Khasra No. 22/9/3 Gali No. 8 Samay Pur (Badli) Delhi-110042	Steel Butt Hinges Sizes 75 and 100 MM	IS 01341 : 81

1	2	3	4	5
55. 2174750	1990-12-16	Raja Lakshmi Knitting Mills 15, Gajalaxmi Theatre Road Tirupur-638604	Plain Knitted Cotton Vests Type RN and RNS Size 75 to 110 CM	IS 04964 : 80
56. 2174931	1990-12-16	Bighnesh Cement Works (P) Ltd. Gariama1, PO Bargaon Distt. Sundergarh (Orissa)	Ordinary Portland Cement	IS 00269 : 89
57. 2174952	1990-12-16	Rajashree Cement Adityanagar Malkhedroad Distt. Gulbarga Karnataka-585317	43 Grade Ordinary Portland Cement	IS 08112 : 76
58. 2175045	1990-12-16	Sandeep Cement Pvt. Ltd. Udyog Nagar Plot No. 1 & 2 Mahuva Distt. Bhavnagar-364290	Ordinary Portland Cement	IS 00269 : 89
59. 2175146	1990-12-16	Wood Craft Pvt. Ltd. PO Dippu Distt. Karbianglong (Assam)	Block Boards of Grade 2 and type 2	IS 01659 : 79
60. 2175247	1990-12-16	Paramount Inc. No. 1, Mangesh Street T. Nagar Madras (TN) 600017	Single Phase Servo Motor	IS 09815 : 89
61. 2175348	1990-12-16	Jamshedpur Cement Ltd. Plot No. M-20 (P) Phase VI, Adityapur Indl. Area Jamshedpur (Bihar)-831013	Portlad Slag Cement	IS 00455 : 76
62. 2175449	1990-12-16	Hindustany Cylinder Co. Ltd. PP-IV-532 Kodavilagam Parassala Neyyattinkara Trivandrum (Kerala)-695502	Welded Low Carbon Steel Gas Cylinders for Freon Gas 68 Litre Capacity	IS 03196 : 82
63. 2175550	1990-12-16	Vinayaka Electrical Industries B-46, Dyavasandra Indl. Estate Mahadev Pura Post Bangalore-560048	Single Phase Capacitors Start Induction Run Motor Class B Insulation 0.37 KW	IS 00996 : 79
64. 2175651	1991-01-01	Jyoti Rubber Udyog India Pvt. Ltd. A-108, Sector V, NOIDA, Ghaziabad-201301 (UP)	Rubber Air Hose Type 1 and Type 2 Size 8 MM to 50 MM Nominal Bore	IS 0044 : 87



65. 2175752	1991-01-01	Bangalore Pesticides Ltd. 16th KM, Tumkur Road Bangalore-560073	Dicofol EC	IS : 05279 : 69
66. 2175853	1991-01-01	Vita Pumps Pvt. Ltd. 2, St. Anthony Indl. Estate 10th KM Stone Kanakapura Road J.P. Nagar PO Bangalore-560078	Submersible Pumpsets Size 150 MM Type STI	IS 08034 : 89
67. 2175954	1991-01-01	Kashyap Brothers 14, Shailesh Park PO Polytechnic Near Agarwal Hall Dr. Radhakrishna Road Ahmedabad-380015	Refills for Potable Extinguisher RS Foam Type Capacity 9 Litres	IS 05490 : 77 (Part II)
68. 2176047	1991-01-01	Saral Plastics Pvt. Ltd. Panch Kuhada Taluk Bayad Post Butal Distt. Sabarkantha	UPVC Pipes for Portable Water Supplies Class 2	IS 04985 : 88
69. 2176148	1991-01-01	Kisan Chemicals 41, Indl. Area Phase II Chandigarh	Cypermethrin EC 10 and 25% M/M	IS 12016 : 87
70. 2176249	1990-01-01	Vishal Engg. Works J.C. Bangad Complex Near Kamla Vidyalaya Near Gouri Cinema C.T.M. Road, Odhav Ahmedabad 382415	Monoset pumps for CL, Ear cold fresh water for agricultural purposes	IS 09079 : 89
71. 2176350	1991-01-01	Tarai Spun Pipes Village Bhagori Tehsil Sitarganj Distt. Nainital (UP)	Concrete pipes Class NP 2 size 300, 450, 600 and 800 mm	IS 00458 : 71
72. 2176451	1991-01-01	Sunny Paints & Tar products 72-A, Sector C Sanwer Road Indl. Estate Indore (MP)	Bitumen Primer	IS 03384 : 86
73. 2176552	1991-01-01	Perfect Pumps Pvt. Ltd. 62-B, Udyog Puri Agar Road Ujjain 456006	Horizontal Centrifugal pumps for agricultural purposes	IS 06595 : 80
74. 2176553	1991-01-01	Bajrangbali Iron & Steel Co. Ltd. 100-A, Basin Road Tiruvottiyur Madras 600019	Structural steel (standard quality)	IS 00226 : 75

1	2	3	4	5	6
75. 2176754	1991-01-01	Fibro reinforced Plastic Pvt. Ltd. No. 48/B, VIth Main N Block Third State Ranji Nagar Bangalore 560010	GRP resin squatting pans of contact moulded type	IS 11246 : 85	
76. 2176955	1991-01-01	The Indian Plywood Manufacturing Co. Ltd. P.B. No. 7 Dandeli (Uttar Kannada) 581325	Plywood for general purposes Class I BWP and BWR grade Type AA	IS 00303 : 75	
77. 2176956	1991-01-01	Nippon Dandro Ispat Ltd. A-101 MIDC Indl. Area Kamleshwar (Distt Nagpur) 441501	Cold rolled low carbon steel sheets and strips	IS 00513 : 86	
78. 2177049	1991-01-01	Metro Steel Rolling Mills Plot No. A/118 & 119 MIDC Phase I Near State Bank of India Donbivli Distt. Thane	HSD Steel bars for concrete reinforcement	IS 01786 : 85	
79. 2177150	1991-01-01	Goyolene Fibres (India) Pvt. Ltd. 24/2-A, Ringaywada Kachigam Road Daman 396210	PVC insulated cables for working voltages upto and including 1100V with aluminium conductor	IS 00694 : 77	
80. 2177251	1991-01-01	Manish Enterprises Shed No. 514 GIDC Makarpura PO Box No. 770 Baroda 390101	15 Kg. Square tins for Vanaspati Edible oils and bakery shortenings	IS 10325 : 89	
81. 2177352	1991-01-01	Vidya Industries Banda-Baderu Road Banda (UP)	PVC insulated cables for working voltages upto and including 1100V with aluminium conductors	IS 00694 : 77	
82. 2177453	1991-01-01	Vimal Industries Dhalwala Munikireti Indl. Area Distt. Tehrigarhwal	HSD Steel bars for concrete reinforcement	IS 01786 : 85	
83. 2177554	1991-01-01	Akal Metal Works Bye pass G.T. Road Lambap Ind Jalandhar 144004	Horizontal Centrifugal pumps	IS 06595 : 80	
84. 2177655	1991-01-01	Jay Ess Industries S-141, Indl. Area Jalandhar	Horizontal Centrifugal pumps	IS 06595 : 80	

1	2	3	4	5	6
85. 2177756	1991-01-01	Allied Architectural Products Jamuna Shed No. 28 Tangareshwar Indl. Complex No. 5 Village Sativali, Vasai (E) Distt. Thane	Door Handles Type 4 size 100 mm	IS 00208 : 87	
86. 2177857	1991-01-01	Sanghi Organisations Plot No. 4, MIDC Area Taloja Distt. Raigarh	Acetylene Generator with Capacity rating 45 M3/H	IS 08471 : 77 (Part IV)	
87. 2177958	1991-01-01	Kamal Industries D-16 & 17 Indl. Estate Chandulal Baradari Hyderabad 500264	18 Litre Square tins	IS 00916 : 75	
88. 2178051	1991-100-01	Partap Steel Rolling Mills 1935) Ltd. 601, Sector IV Pithampur Distt. Dhar (HP)	Steel for the manufacture of Volute helical and laminated springs for automotive suspension	IS 03431 : 82	
89. 2178152	1991-01-01	Steel Authority of India Ltd. R & C Laboratory Bokaro Steel Plant Main Administrative Builders Bokaro Steel City 827001	Cold rolled galvanized steel Sheets Plain and corrugated	IS 00277 : 85	
90. 2178253	1991-01-01	Khodiyar PVC pipes Ltd. Vijapur Highway Road Mansa, Taluka Vijapur Distt. Mehsana 382845	UPVC pipes for potable Water Supplies Class 2 size 75 to 160 mm (Except 175)	IS 04985 : 88	
91. 2178354	1991-01-01	Goyolene fibres India Pvt. Ltd. 24/2 A Ringanwada Kachigams Road Daman 396210	PVC insulated heavy duty electric cables for working voltages upto and including 1100V	IS 01554 : 76 (Part I)	
92. 2178455	1991-91-01	The Andhra Cement Co. Ltd. Durgapuram PO Dachepalli Distt. Guntur (AP) 522414	Ordinary portland cement 43 grade	IS 08112 : 76	
93. 2178556	1991-01-01	Chanana Steel Tube Pvt. Ltd. Plot No. 10 Sector III Parwanoo (HP)	MS Tube Size. 32 mm to 100 mm	IS 01239 : 79 (Part I)	

1	2	3	4	5	6
94. 2178657	1991-01-01	Agarwal Spun pipe Factory 3, Indl. Area Maksi Shajapur (MP)	Concrete pipes class NP 2 NP3 size 900 to 1200 mm	IS 00458 : 71	
95. 2178758	1991-01-01	Shree Mahabir Cement Works (Prop : Ramgarh Steel & Casting Pvt. Ltd.) Aragada Road Post Marar Distt. Hazaribagh (Bihar)	Portland Slag Cement	IS 00455 : 76	
96. 2178859	1991-01-01	Javelin Cement Pvt. Ltd. Plot No. 1 RIICO Indl. Area Post Box 64 Sajangarh (Rajasthan) 331507	ordinary portland cement	IS 00269 : 89	
97. 2178960	1991-01-01	Rajpura Tin Mfg. Co. Shed No. 28 Focal point Rajpura (Punjab)	15 kg. square tins for ghee, Vanaspati, Oils and bakery Shortenings	IS 10325 : 89	
98. 2179053	1991-01-01	Shri Baiju Papers (P) Ltd. Village Pimpalgaon Mangrul Taluka-Pen Distt. Raigad (Maharashtra) 402107	Aluminium stranded conductors	IS 00398 : 76 (Part I)	
99. 2179154	1991-01-01	East Coast Steel Ltd. Cuddalore Road Pillaiyar Kuppam Post Bahdur commune Panchayat Pondicherry 607402	Concast billets (Ordinary Quality)	IS 06915 : 78	
100. 2179255	1991-01-01	Sri Satya Sai Cables Pvt. Ltd. Indl. Dev. Area Renigunta Distt. Chittoor (AP) 517520	Aluminium conductors galva- nized steel reinforced	IS 00398 : 76 (Part II)	
101. 2179356	1991-01-01	Beama Manufacturers Pvt. Ltd. A-8, Ambattur Indl. Estate Madras 600058	Single phase small AC motors Class E insulation 0.75 KW Rating	IS 00996 : 79	
102. 2179457	1991-01-01	Leelakrishna Industries 324, A.V.K. Road Peelamedu Coimbatore 641004	Single phase small AC motors class B insulation 0.37 KW and 0.75 KW	IS 00996 : 79	

1	2	3	4	5	6
103. 2179558	1991-01-01	Deepak Cables (India) Pvt. Ltd. No. 1, Indl. Estate Tumkur (Karnataka) 572102	Aluminium stranded conductors	IS 00398 : 76 (Part I)	
104. 2179659	1991-01-01	Aluminium transmission Products Pvt. Ltd. 33, Belavadi Indl. Area Hunsur Road Mysore (Karnataka) 571186	Aluminium stranded conductors	IS 00398 : 76 (Part I)	
105. 2179760	1991-01-01	Pratap Steel Rolling (1935) Ltd. 60, Sector III Pithampur Distt. Dhar (MP)	Structural steel (standard Quality)	IS 00226 : 75	

[No. CMD/13 : 11]

S. SUBRAMANYAN, Addl. Director General

उर्जा मंत्रालय

(कोयला विभाग)

नई दिल्ली 15 मार्च, 1991

का. आ. 958.—इस विभाग के दिनांक 11 सितम्बर, 1987 की संसदसंख्याक अधिसूचना के अनुसरण में, एतद्वारा यह अधिसूचित किया जाता है कि कोयला खान (राष्ट्रीयकरण) अधिनियम 1973 के अंतर्गत भुगतान आयुक्त के पद पर श्री एस. एन. (विश्वाम भा. प्र. से बिहार : 66) को दिनांक 31 मई, 1991 तक अथवा अगले आदेश जाने होने तक, इसमें जो भी पहले हों, नियुक्त रखा जाएगा।

[सं. ए -12022 /6 /86 सी. ए. प्रशा. I (ii)]

पी. के. जी. नायर, अवर सचिव

MINISTRY OF ENERGY

(Department of Coal)

New Delhi, the 15th March, 1991

S.O. 958.—In continuation of this Department's Notification of even number dated 11th September, 1987, it is hereby notified that the appointment of Shri S. N. Biswas,

IAS (BH : 66) as Commissioner of Payments under the Coal Mines (Nationalisation) Act, 1973 shall continue till 31st May, 1991 or until further orders whichever is earlier.

[No. A-12022/6/86-CA/ADM. I(ii)]

P. K. G. NAIR, Under Secy.

नई दिल्ली, 18 मार्च, 1991

का. आ. 959.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है ;

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उस क्षेत्र में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक सं. एम. ई. सी. एल./बी. एस. पी. /ए. सी. एम. ई./एल. ई. आर. /भूमि/81 तारीख 12 नवम्बर, 1990 का निरीक्षण साउथ ईस्टर्न कोलफील्ड्स लि. (राजस्व अनुभाग), सीपत 795GI/91—5

रोड, बिलासपुर 45001, जिला बिलासपुर (मध्य प्रदेश) के कार्यालय में या कलक्टर, सरगुजा (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1 काउन्सिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अधीन आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी तथ्यों चार्ट और अन्य दस्तावेजों, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर उप मुख्य संपदा प्रबंधक, साउथ ईस्टर्न कोलफील्ड्स लि., सोपत रोड, बिलासपुर जिला बिलासपुर (मध्य प्रदेश) को भेजेगे।

अनुसूची

खुरमिया ब्लॉक

चिरीमिरी क्षेत्र

जिला सरगुजा (मध्य प्रदेश)

प्लान सं. एस ई सी एल /बी एस पी /ए सी एमई/  
एल ई आर /भूमि /81 तारीख 12 नवम्बर, 1990  
(पूर्वक्षण के लिए अधिसूचित भूमि दर्शाते हुए)

वन भूमि

क्रम. सं.	कम्पार्टमेंट संख्याक	रेंज	डिवीजन	क्षेत्र हैक्टरों टिप्पणियां में
1.	541(भाग), 542(भाग), 543(भाग), 544(भाग), 545(भाग), 546, 547(भाग), 557(भाग)	खुरमिया	कोरिया	1654.00
		जोड़—	1654.00 हैक्टर(लगभग)	
		या	4087.03 एकड़(लगभग)	

0

सीमा वर्णन

क-ख-ग-घ-	रेखा 556-547 की सम्मिलित वन कम्पार्टमेंट सीमा पर बिन्दु "क" से प्रारम्भ होती है और
ड-च-छ	वन कम्पार्टमेंट संख्याक 547 की दक्षिणी सीमा से होकर जाती है फिर वन कम्पार्टमेंट संख्याक 547, 545 की पश्चिमी सीमा से होकर गुजरती है और बिन्दु "छ" पर मिलती है।
छ-ज-झ-ञ	रेखा वन कम्पार्टमेंट संख्याक 545, 544, 543 से होकर आगे बढ़ती है और बिन्दु "झ" पर मिलती है।
झ-ट-ड	रेखा वन कम्पार्टमेंट संख्याक 543, 542, 541 557 से होकर जाती है और बिन्दु "ट" पर मिलती है।
ट-ठ-ड-क	रेखा भागत : वन कम्पार्टमेंट संख्याक 557-559 की सम्मिलित सीमा से होकर जाती है फिर कम्पार्टमेंट संख्याक 557, 547 से होकर जाती है और प्रारम्भिक बिन्दु "क" पर मिलती है।

[फा. सं. 43015 /22 /90- एल. एस. डब्ल्यू]]

New Delhi, the 18th March, 1991

S.O. 959.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No. SECL/BSP/ACME/LER/LAND/81 dated the 12th November, 1990 of the area covered by this notification can be inspected at the Office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495001, District Bilaspur (Madhya Pradesh) or at the Office of the Collector, Surguja (Madhya Pradesh) or at the office of the Coal Controller, 1 Council House Street, Calcutta.

All persons interested in the land covered by this notification shall deliver all maps, chart and other documents referred to in sub-section (7) of section 13 of the said Act to the Deputy Chief Estate Manager, South Eastern Coalfields Limited, Seepat Road, Bilaspur, District Bilaspur (Madhya Pradesh) within ninety days from the date of publication of this notification in the Official Gazette.

#### SCHEDULE

#### KHURASIA BLOCK

#### CHIRIMIRI AREA

District Surguja (Madhya Pradesh)

Plan No. SECL/BSP/ACME/LER/LAND/81

dated 12th November, 1990

(Showing the lands notified for prospecting)

#### Forest Land

Sl. No.	Compartment Number	Range	Division	Area in Hectares	Remarks
1.	541 (part), 542 (part), 543 (part), 544 (part), 545 (part), 546, 547 (part), 557 (part).	Khurasia	Korea	1654.00	
Total				1654.00 hectares	
					(approximately)
				OR	4087.03 acres
					(approximately)

#### BOUNDARY DESCRIPTION :—

A-B-C-D-E-F-G	Line starts from point 'A' on the common forest compartment boundary of 556—547, and passes through southern boundary of forest compartment number 547 then through western boundary of forest compartment numbers 547, 545 and meets at point 'G'.
G-H-I-J	Line proceeds through forest compartment numbers 545, 544, 543 and meets at point 'J'.
J-K	Line passes through forest compartment No. 543, 542, 541, 557 and meets at point 'K'.
K-L-M-A	Line passes partly along the common boundary of forest compartment number 557—559 then through forest compartment number 557, 547 and meets at the starting point 'A'.

[No. 43015/22/90-LSW]

नई दिल्ली 21 मार्च, 1991

का.आ. 960.—केन्द्रीय सरकार को यह प्रतीत होता है कि अपने उद्घाटन अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है;

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम 1957 (1957 का 20) की धारा 4 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उस क्षेत्र में कोयले का पूर्वोक्त करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अधीन आने वाले क्षेत्र रेखांक सं. एम. ई. सी. एल. / बी. एस. पी. / ए. सी. एम. ई. (एल. ई. आर.) लेड / 82 तारीख 16 नवम्बर, 1990 का निरीक्षण माउथ ईस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग), सीपत मार्ग, बिलासपुर 495001 (मध्य प्रदेश) के कार्यालय में या कलक्टर, बिलासपुर (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक 1 काउंसिल हाउस स्ट्रीट कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अधीन आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर उप मुख्य संपदा प्रबंधक, माउथ ईस्टर्न कोलफील्ड्स लिमिटेड, सीपत मार्ग, बिलासपुर (मध्य प्रदेश) को भेजेंगे।

अनुसूची

मलगांव ब्लॉक (दुर्गा विवृत खान)

कोरबा कोलफील्ड

जिला बिलास पुर (मध्य प्रदेश)

रेखांक सं. एम. ई. सी. एल. / बी. एस. पी. / ए. सी. एम. ई. / एल. ई. आर. / लेड / 82, तारीख 15 नवम्बर, 1990

(पूर्वोक्षण के लिए अधिसूचित की जाने वाली भूमि दर्शाते हुए)

क्र.सं. ग्राम	हल्का सं.	तहसील	जिला	क्षेत्र हेक्टरों में	टिप्पणियाँ
1. अमगांव	29	कटघोरा	बिलासपुर	329.987	पूर्ण
2. मलगांव	28	कटघोरा	बिलासपुर	064.558	भाग

कुल क्षेत्र : 394.545 हेक्टर (लगभग)  
या 974.92 एकड़ (लगभग)

सीमा वर्णन

- क—ख रेखा, अमगांव-बरेली ग्रामों की सम्मिलित सीमा पर बिन्दु “क” से आरम्भ होती है और अमगांव-बरेली, अमगांव-पोड़ी की सम्मिलित सीमा के साथ साथ जाती है और बिन्दु “ख” पर मिलती है।
- ख—ग रेखा अमगांव, मलगांव ग्रामों की दक्षिणी सीमा के साथ साथ जाती है और बिन्दु “ग” पर मिलती है।
- ग—क रेखा मलगांव ग्राम से होकर जाती है, फिर भागत : मलगांव अमगांव की सम्मिलित सीमा के साथ साथ जाती है और आरम्भिक बिन्दु “क” पर मिलती है।

[फा. सं. 43015 / 24 / 90—एल. एम. डब्ल्यू.]

New Delhi, the 21st March, 1991

S.O. 960.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No. SECL/BSP/A.C.M.E. (LER)/LAND/82 dated 16th November, 1990, of the area covered by this notification can be inspected in the Office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495001 (Madhya Pradesh) or in the Office of the Collector, Bilaspur (Madhya Pradesh) or in the Office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the land covered by this notification shall deliver all maps, charts and other, documents referred to in sub-section (7) of section 13 of the said Act to the Deputy Chief Estate Manager,



South Eastern Coalfields Limited, See pat Road, Bilaspur (Madhya Pradesh) within ninety days from the date of publication on this notification in the Official Gazette.

**SCHEDULE**  
**MALGAON BLOCK (DURGA OPENCAST)**  
**Korba Coalfield**  
**District Bilaspur (Madhya Pradesh)**  
**Plan No. SECL/BSP/ACME/LFR/Land/82**  
**dated 16th November, 1990**  
**(Showing the land being notified for prospecting)**

Sl. No.	Village	Halka Number	Tahsil	District	Area in hectares	Remarks
1.	Amgaon	29	Katghora	Bilaspur	329.987	Full
2.	Malgaon	28	Katghora	Bilaspur	064.558	Part
<b>Total</b>					<b>394.545 hectares</b> (approximately)	
					Or <b>974.92 acres</b> (approximately)	

**Boundary Description :—**

- A—B** Line starts from point 'A' on the common boundary of villages Amgaon-Bareli and passes along the common boundary of villages Amgaon-Bareli, Amgaon-Pondi and meets at point 'B'.
- B—C** Line passes along the southern boundary of villages Amgaon, Malgaon and meets at point 'C'.
- C—A** Line passes through village Malgaon then partly along the common boundary of Malgaon Amgaon and meets at the starting point 'A'.

[No. 43015/24/90-LSW]

का आ. 961.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (i) के अधीन जारी की गई और भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 16 जून, 1990 में प्रकाशित भारत सरकार के उर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं. का. आ. 1684 तारीख 21 मई, 1990 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में जिनका माप 102.69 हैक्टर (लगभग) या 253.74 एकड़ (लगभग) है, कोयले का पूर्वोक्षण करने के अपने आशय की सूचना दी थी ;

और केन्द्रीय सरकार का यह समाधान हो गया है कि उक्त भूमि के भाग में कोयला अभिप्राप्य है।

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 7 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इससे संलग्न अनुसूची में वर्णित 24.60 हैक्टर (लगभग) या 60.78 एकड़ (लगभग) माप की भूमि या उन पर अधिकारों का अर्जन करने के अपने आशय की सूचना देती है।

टिप्पण 1 : इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक संख्या सो-1 (ई) III / जे. जे. आर. /454 /1289. तारीख 19 दिसम्बर, 1989 का निरीक्षण कन्क्टर, चन्द्रपुर (महाराष्ट्र) के कार्यालय से या कोयला निगमक, 1 काउन्सिल हाउस स्ट्रीट, कलकत्ता के कार्यालय से या वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग), कोयला एस्टेट, मिडिल लार्ड्स नागपुर—440001 (महाराष्ट्र) के कार्यालय से किया जा सकता है।

टिप्पण : 2—पूर्वोक्त अधिनियम की धारा 8 के उपबंधों को ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबंध है :—

8. अर्जन की बाबत आपत्तियाँ :—

(1) कोई व्यक्ति जो किसी भूमि में जिसकी बाबत धारा 7 के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना के निकाले जाने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किसी अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण—इस धारा के अर्थात्तर्गत यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन संक्रियाएं करनी चाहता है और ऐसी संक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उपधारा (i) के अधीन प्रत्येक आपत्ति सक्षम प्राधिकारी को लिखित रूप में की जाएगी और सक्षम प्राधिकारी आपत्तिकर्ता को स्वयं मुने जाने का या विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी अतिरिक्त जांच, यदि कोई हो, करने के पश्चात् जो वह आवश्यक समझता है वह या तो धारा 8 की उपधारा (i) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उनके द्वारा की गई कार्यवाही के अभिलेख सहित विभिन्न रिपोर्टें केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिकर में हित का दावा करने का हकदार होता यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते।

टिप्पण 3 : भारत के राजपत्र , भाग 2, खंड 3, उपखंड (ii), तारीख 11 जून, 1983 के पृष्ठ 2446 से 2450 पर प्रकाशित अधिसूचना संख्या 19/41/78- सी एल., तारीख 27 मई, 1983 द्वारा कोयला नियंत्रक, 1, काउंसिल हासस स्ट्रीट, कलकत्ता को अधिनियम के अधीन सक्षम प्राधिकारी नियुक्त किया गया है।

अनुसूची  
चारगांव विस्तार ब्लाक  
बानी क्षेत्र  
जिला चन्द्रपुर (महाराष्ट्र)

सभी अधिकार

क्रम सं.	ग्राम का नाम	पटवारी सॉकिल सं.	तहसील	जिला	क्षेत्र हेक्टरों में	टिप्पणियाँ
1	कुनाद	28	भद्रावती	चन्द्रपुर	24.60	भाग
कुल क्षेत्र : 24.60 हेक्टर (लगभग)						
या 60.78 एकड़ (लगभग)						

ग्राम कुनाद में अर्जित किए जाने वाले प्लॉट संख्याक :

139 भाग, 140 भाग, 141 भाग, 146 भाग, 147 भाग, 150 भाग, 151 भाग, 153, 167, 182, 183/1 183 /2, 185, 189 से 192, 193 भाग, 194 भाग, 264 भाग, मड़क भाग।

सीमा वर्णन

- क-घ-न-प रेखा, बिन्दु "क" से आरंभ होती है और प्लॉट संख्यांक 185 की बाहरी सीमा के साथ-साथ ग्राम कुनाद से होकर जाती है, फिर भागत : प्लॉट संख्यांक 193 की बाहरी सीमा से होकर और भागत : उसके साथ-साथ जाती है और बिन्दु "प" पर मिलती है।
- प-फ रेखा, प्लॉट संख्यांक 193 की बाहरी सीमा के साथ साथ होकर प्लॉट संख्यांक 194 में जाती है, मड़क पार करती है; फिर प्लॉट संख्यांक 183/1 182, 167 की बाहरी सीमा के साथ साथ जाती है और बिन्दु "फ" पर मिलती है।
- फ-ब-भ-म रेखा, प्लॉट संख्यांक 167 की बाहरी सीमा के साथ साथ ग्राम कुनाद से होकर जाती है, फिर भागत : सड़क के साथ-साथ और भागत : उससे होकर चलती हुई प्लॉट संख्यांक 150, 153, 151 की बाहरी सीमा के साथ-साथ जाती है और बिन्दु "ख" पर मिलती है।
- ख-क रेखा, प्लॉट संख्यांक 151, 150, 147, 146, 141 में ग्राम कुनाद में होकर जाती है, प्लॉट संख्यांक 140, 139 में सड़क को पार करती है, फिर प्लॉट संख्यांक 183/2 की बाहरी सीमा के साथ साथ जाती है प्लॉट संख्यांक 189 की बाहरी सीमा के साथ प्लॉट संख्यांक 264, में सड़क को पार करती है और आरंभिक बिन्दु "क" पर मिलती है।

S.O. 961—Whereas by the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S. O. 1684, dated the 21st May, 1990 issued under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) and published in Part II, section-3, sub-section (ii) of the Gazette of India dated the 16th June, 1990, the Central Government gave notice of its intention to prospect for coal in 102.69 hectares (approximately) or 253.74 acres (approximately) of the lands in the locality specified in the Schedule annexed to that notification;

And whereas the Central Government is satisfied that coal is obtainable in a part of the said land ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby give notice of its intention to acquire the lands measuring 24.60 hectares (approximately) or 60.78 acres (approximately) of All Rights described in Schedule appended hereto;

NOTE 1.—The plan bearing No. C-1(E)/III/JJR/454-1289, dated the 19th December, 1989 of the area covered by this notification may be inspected in the Office of the Collector, Chandrapur (Maharashtra) or in the Office of the Coal Controller, 1, Council House Street, Calcutta or in the Office of the Western Coalfields Limited (Revenue Department), Coal Estate Civil Lines Nagpur-440001 (Maharashtra).

NOTE 2.—Attention is hereby invited to the provisions of section 8 of the aforesaid Act which provides as follows :

Objection to Acquisition :—

8(1) Any person interested in any land in respect of which a notification under section 7 has been

issued may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation.—It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further enquiry, if any, as he thinks necessary, either makes a report in respect of the land which has been notified under sub-section (1) of the Section 7 or of rights in or over such land or make different reports in respect of different parcels of such land or of rights in or over such land to the Central Government, containing his recommendations on the objections together with the record of the proceedings held by him for the decision of that Government.

(3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act.

NOTE 3.—The Coal Controller, 1, Council House Street, Calcutta, has been appointed as the competent authority under the Act vide notification No. 19/41/78-CL dated 27th May, 1983 published in the Gazette of India, part II, section 3, sub-section (ii) dated 11th June, 1983 at pages 2446 to 2450.

## SCHEDULE

### CHARGAON EXPANSION BLOCK

Wani Area

District Chandrapur (Maharashtra)

#### All Rights

Sl. No.	Name of village	Patwari circle Number	Tahsil	District	Area in hectares	Remarks
1.	Kunad	28	Bhadravati	Chandrapur	24.60	Part
Total area :					24.60 hectares (approximately)	
Or					60.78 acres (approximately)	

Plot numbers to be acquired in village Kunad :

139 Part, 140 Part, 141 Part, 146 Part, 147 Part, 150 Part, 151 Part, 153, 167, 182, 183/1, 183/2, 185, 189 to 192, 193 Part, 194 Part, 264 Part, Road Part.

Boundary description :

A—S—T—U

Line starts from point 'A' and passes through village Kunad along the outer boundary of plot number 185, then proceeds partly through and partly along the outer boundary of plot number 193 and meets at point 'U'.

U—V	Line passes through village Kunad along the outer boundary of plot number 193, in plot number 194, crosses road, then proceeds along the outer boundary of plot numbers 183/1, 182, 167 and meets at point 'V'.
V—W—X—Y—Z—B	Line passes through village Kunad along the outer boundary of plot number 167, then proceeds partly along and partly through road, then along the outer boundary of plot numbers 150, 153, 151 and meets at point 'B'.
B—A	Line passes through village Kunad in plot numbers 151, 150, 147, 146, 141, crosses road in plot numbers 140, 139, then proceeds along the outer boundary of plot number 183/2, crosses road along the outer boundary of plot number 189 in plot number 264 and meets at starting point 'A'.

[No. 43015/28/89-LSW]

नई दिल्ली, 21 मार्च, 1991

## शुद्धि पत्र

का आ 962.—भारत के राजपत्र भाग 2, खंड 3, उपखंड (ii) तारीख 11 अगस्त, 1990 के पृष्ठ क्रमांक 3609 एवं 3610 पर प्रकाशित भारत सरकार के उर्जा मंत्रालय, कोयला विभाग की अधिसूचना का आ. स. 2142 तारीख 18 जुलाई, 1990 में,

पृष्ठ क्र. 3609 पर

- पंक्ति 9 में "हैक्टर (लामभ 1)" के स्थान पर "हैक्टर (लगभग)" पढ़ें।  
 पंक्ति 10 में "और ताश करत" के स्थान पर "और तलाश करने" पढ़ें।  
 पंक्ति 13 में "सडलग्न अनुसूचा" के स्थान पर "सलग्न अनुसूची" पढ़ें।  
 पंक्ति 14 में "खनिजों" के स्थान पर "खनिजों के" पढ़ें।  
 पंक्ति 16 में "(प्रोडा) लैण्ड 46 तारीख" के स्थान पर "(प्रोजे) लैण्ड 46 तारीख" पढ़ें;

अनुसूची में—

पंक्ति 4 में "खनज अधिकार" के स्थान पर "खनन अधिकार" पढ़ें;

तालिका में ग्राम स्तम्भ के नीचे—

क्रम सं. 2 "बकहो" के स्थान पर "बकही" पढ़ें;

कुल योग में 1691 4 7 ऐकड (लगभग) के स्थान पर 1693 437 ऐकड (लगभग) पढ़ें;

ग्राम बकहो (भाग में) अर्जित किए गए प्लॉट संख्याक में—

- पंक्ति 3 में "633 से 7394" के स्थान पर "633 से 794" पढ़ें,  
 पंक्ति 4 में "894 (भाग)" के स्थान पर "824 (भाग)" पढ़ें।

पृष्ठ क्र. 3610

ग्राम बकही (भाग) में अर्जित किए गए प्लॉट संख्याक में—

- पंक्ति 1 में "1983 (भाग)" के स्थान पर "1083 (भाग)" पढ़ें,  
 पंक्ति 6 में "1471 (भाग), 1473 (भाग), 1060/1730" के स्थान पर "1471 (भाग), 1472,, 1473 (भाग), 1060/1718" पढ़ें, "1414 / 1221" के स्थान पर "1414/1721" पढ़ें  
 "415 / 17290" के स्थान पर "415 / 1729" पढ़ें।

सीमा वर्णन में, रेखा क—ख में

पंक्ति 1 में "नागरामाना के जो ग्रामा बकही और सावा" के स्थान पर "नागरामाना के जो ग्रामा बकही और साबो" पढ़ें "

रेखा ग—घ में,

पंक्ति 1 में "का सम्मिलित सोना भी" के स्थान पर "की सम्मिलित सीमा भी" पढ़ें।

रेखा घ—ड.

पंक्ति 2 में "1309 1,26" के स्थान पर "1309, 1326" पढ़ें।

रेखा च—क में,

पंक्ति 1 में "खनन पट्टा" के स्थान पर "खनन पट्टा" पढ़ें।

[सं. 43015/29/85-सी ए/एल एस. डब्ल्यू]

नई दिल्ली, 22, मार्च 1991

का. आ. 963.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) के अधीन निकाली गई और भारत के राजपत्र भाग 2 खंड 3, उपखंड (ii), तारीख 12 मई, 1990 में प्रकाशित भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं. का. आ. 1374, तारीख 23 अप्रैल, 1990 द्वारा उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट पॉरसेल को भूमि में जिसका माप 215.297 हेक्टर (लगभग) या 532 एकड़ (लगभग) है, कोयले का पूर्वोक्षण करने के अपने आशय की सूचना दी थी,

और केन्द्रीय सरकार का यह समाधान हो गया है कि उक्त भूमि के भाग में कोयला प्रसिद्ध है।

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उससे संलग्न अनुसूची में वर्णित भूमि में, जिसका माप 215.297 हेक्टर (लगभग) या 532.00 एकड़ (लगभग) है, खनिजों के खनन खदान, दीर करने, निष्कासन के लिए उनकी खुदाई करने और तलाश करने, उन्हें प्राप्त करने उन पर कार्य करने और उन्हें ले जाने के अधिकारों का अर्जन करने के अपने आशय की सूचना देती है।

टिप्पण-1:—इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक सं. एम. ई. सी. एन./वो. एन. पी. एन. आर./प. सी. एम. ई./लेंड, II, तारीख 29 अक्टूबर, 1990 का निरीक्षण कलकटर सरगुजा (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लि. (राजस्थान अनुभाग), सीधन मार्ग, विलासपुर—495001 (मध्य प्रदेश) के कार्यालय में किया जा सकता है।

टिप्पण-2 पूर्वोक्त अधिनियम की धारा 8 के उपबंधों की ओर ध्यान आकष्ट किया जाता है, जिसमें निम्नलिखित उपबंध है:—

#### 8. अर्जन के प्रति आक्षेप

(1) कोई व्यक्ति जो किसी भूमि में जिसकी बावन धारा 7 के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना के निकाले जाने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण:—इस धारा के अन्तर्गत यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति : किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन सक्रियाएं करना चाहता है और ऐसी सक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उपधारा (i) के अन्तर्गत प्रत्येक आपत्ति सभ्य प्राधिकारी को लिखित रूप में की जाएगी और सभ्य प्राधिकारी आपत्तिकर्ता को स्वयं सुने जाने का या विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात और ऐसी अतिरिक्त जांच, यदि कोई हो, करने के पश्चात जो वह आवश्यक समझता है वह या तो धारा 7 की उपधारा (i) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्रवाई के अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिकर में हित का दावा किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिकर में हित का दावा करने का हकदार होता यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते हैं।

टिप्पण 3 : केन्द्रीय सरकार ने भारत के राजपत्र, तारीख 4 अप्रैल, 1987 में प्रकाशित अधिसूचना सं. का. आ. 905, ता. 20 मार्च, 1987 द्वारा कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता को अधिनियम की धारा 39 के अधीन सभ्य प्राधिकारी नियुक्त किया है।

अनुसूची  
सीतपुर ब्लॉक "ग"  
बैकुंठपुर क्षेत्र  
जिला सरगुजा (मध्य प्रदेश)

क्रम सं.	ग्राम का नाम	बदोबस्त सं.	तहसील	जिला	क्षेत्र एकड़ों में	टिप्पणियाँ
1. कटधोरी	227	बैकुंठपुर		सरगुजा	532.00	भाग
कुल 532.00 एकड़ (लगभग)						
या 215.297 हेक्टर (लगभग)						

ग्राम कटधोरी (भाग) में अर्जित किए जाने वाले प्लॉट संख्याक ;  
795 GI/91--6

399 43(भाग), 399/44(भाग), 399/45 (भाग), 402/7(भाग), 403 से 552,553/1, 553/2 (भाग) 553/3 554, 555/1, 555/2 555/3 (भाग), 556/569, 570 (भाग), 571 (भाग), 571/1 (भाग), 572/2(भाग), 573/3 (भाग) 572/4(भाग) 572/5 (भाग), 572/6 (भाग), 593(भाग), 594(भाग), 631(भाग), 634,655(भाग), 656 भाग 658(भाग), 660 से 677, 678, (भाग), 679(भाग), 680(भाग), 681, 702(भाग), 703 से 732, 733/1, 733/2 (भाग), 733/3 (भाग), 733/4, 734(भाग), 735(भाग), 737(भाग), 739(भाग), 740(भाग), 741 से 744, 745 (भाग), 769(भाग), 778 (भाग), 779(भाग), 780(भाग), 781 से 792, 793(भाग), 794(भाग), 795(भाग), 797(भाग), 800(भाग), 801 से 827, 828/1 (भाग), 828/2, 828/3, 828/4, 828/5, 829/1 829/2, 829/3 839/4 (भाग) 829/8 (भाग), 829/12

#### सीमा वर्णन

क—ख रेखा, आरक्षित वन और कटघोरी ग्राम की सम्मिलित सीमा पर बिन्दु “क” से प्रारम्भ होना है और फिर ग्राम कटघोरी के प्लॉट सं. 399 43 399/44, 399/45, 407/7, 570, 571, 571/1 572/3, 572/4, 572/5, 593, 572/6, 555/3, 594, 533/2/631, 655, 656, 658, 678, 679, 680, 681, 702, 745, 730, 740, 737 से होकर जाती है और बिन्दु “ख” पर मिलती है।

ख—ग रेखा कटघोरी ग्रामा में प्लॉट सं. 737, 735, 743, 733/3 733/2, 763, 779, 780, 795, 793, 794, 797, 800, 828/1, 828/4, 829/8, 829/4 से होकर जाती है और सरखी कटघोरी आरक्षित वन सीमा पर बिन्दु “ग” पर मिलती है।

ग—घ—क रेखा सरखी कटघोरी आरक्षित वन सीमा को सम्मिलित सीमा के साथ साथ जाती है और आरम्भिक बिन्दु “क” पर मिलती है।

[फा. सं. 43015 1 90 एल. एस. इन्फ्यू]

वी. बी. राव, अवर सचिव,

New Delhi, the 22nd March, 1991

S.O. 963.—Whereas by the notification of the Government of India in the Ministry of Energy, Department of Coal No. S.O. 1374 dated 23rd April, 1990 issued under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) and published in the Gazette of India, part II, section 3, sub-section (ii) dated the 12th May, 1990, the Central Government gave notice of its intention to prospect for coal in 215.297 hectares (approximately) or 532.00 acres (approximately) of the lands in locality specified in the Schedule annexed to that notification;

And whereas the Central Government is satisfied that coal is obtainable in a part of the said lands;

Now, therefore in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the rights to mine, quarry bore, dig and search for, win work and carry away minerals in the lands measuring 215.297 hectares (approximately) or 532.00 acres (approximately) described the Schedule appended hereto.

NOTE 1.—The plans bearing No. SECL/BSPI/ER/ACMF/Land/77 dated the 29th October, 1990 of the area covered by this notification may be inspected in the Office of the Collector, Surguja (Madhya Pradesh) or in the Office of the Coal Controller, 1 Council House Street Calcutta, or in the Office of the South Eastern Coalfields Limited (Revenue Section), Seerai Road, Bilaspur-495001 (Madhya Pradesh).

NOTE 2.—Attention is hereby invited to the provisions of section 8 of the aforesaid Act, which provides as follows :

#### Objection to acquisition

“(8) (1) Any persons interested in any land in respect of which a notification under section 7 has been

issued may within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation.—It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the Competent Authority in writing and the Competent Authority shall give the object an opportunity of being heard either in person or by a legal practitioner and shall after hearing all such objections and after making such further enquiry, if any, as he thinks necessary, either makes a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land, or makes different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government containing his recommendations on the objections, together with the record of the proceedings held by him for the decision of that Government.

(3) For the purpose of this section a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act.”

NOTE 3.—The Coal Controller, 1 Council House Street, Calcutta has been appointed by the Central Government as the Competent Authority under section 3 of the Act vide notification No. S.O. 905 dated 20th March 1987 published in the Gazette of India dated 4th April 1987.

SCHEDULE  
SONHAT BLOCK 'C'

Baikunthpur Area  
District Surguja (Madhya Pradesh)

Mining Rights

Sl. No.	Name of Village	Bandobast Number	Tahsil	District	Area in Acres	Remarks
1.	Katghori	227	Baikunthpur	Surguja	532.00	Part
Total :					532.00 Acres (approximately)	
Or					215.297 Hectares (approximately)	

Plot numbers to be acquired in village—Katghori (part).

399/43(P), 399/44(P), 399/45(P), 402/7 (P), 403 to 552, 553/1, 553/2(P), 553/3, 554, 555/1, 555/2, 555/3(P), 556 to 569, 570(P), 571(P), 572/1(P), 572/2(P), 572/3(P), 572/4(P), 572/5(P), 572/6(P), 593(P), 594(P), 631(P), 634, 655(P), 656(P), 658(P), 660 to 677, 678(P), 679(P), 680(P), 681(P), 702(P), 703 to 732, 733/1, 733/2(P), 733/3(P), 733/4, 734(P), 735(P), 737(P), 739(P), 740(P), 741 to 744, 745(P), 769(P), 778(P), 779(P), 780(P), 781 to 792, 793(P), 794(P), 795(P), 797(P), 800(P), 801 to 827, 828/1(P), 828/2, 828/3, 828/4, 828/5, 829/1, 829/2, 829/3, 829/4(P), 829/8(P), 829/12.

Boundary Description :—

- A—B Line starts from point 'A' on the common boundary of Reserved Forest and Katghori village then passes through plot numbers 399/43, 399/44, 399/45, 402/7, 570, 571, 572/1, 572/2, 572/3, 572/4, 572/5, 593, 572/6, 555/3, 594, 553/2, 631, 655, 656, 658, 678, 679, 680, 681, 702, 745, 739, 740, 737 of village Katghori and meets at point 'B'.
- B—C Line passes in village Katghori through plot numbers 737, 735, 734, 733/3, 733/2, 769, 779, 780, 779, 795, 793, 794, 797, 800, 828/1, 828/4, 829/8, 829/4 and meets at Sardi-Katghori Reserved Forest boundary at point 'C'.
- C—D—A Line passes along the common boundary of Sardi-Katghori Reserved forest boundary and meets at the starting point 'A'.

[No. 43015/1/90-LSW

B.B. RAO, Under Secy.

**पेट्रोलियम और प्राकृतिक गैस संश्लेष**

नई दिल्ली 15, मार्च 1991

का.आ. 964:— यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जी.जी.एस-5 से जी सी एस क्लोस तक पेट्रोलियम के परिवहन के निम्ने पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और, अतः, यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एनदपाइड अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) को धारा

3 की उपधारा (1) द्वारा प्रस्तुत शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आशेष सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडौदा -9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आशेष करने वाला हर व्यक्ति विनिर्दिष्ट. यह भी कथन करेगा कि क्या यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

## अनुसूची

जी.जी.एस. 5 जी.सी.एस. कलोल तक पाइपलाइन बिछाने के लिए

राज्य : गुजरात

जिला : मेहसाणा

तहसील : कलोल

गांव	सरचे नं.	हेक्टर	घार.	सेन्टीघार
कलोल	1111	0	08	00
	1110	0	08	00
	1109	0	16	60
	1101/1	0	11	10
	1100/1	0	00	00
	1100/2	0	06	80
	1100/4	0	05	60
	1096/4	0	24	20
	कार्टट्रेक	0	01	60
	896/1	0	11	90
	890	0	17	40
	कार्टट्रेक	0	12	20
	849/3	0	17	50
	889	0	08	20
	850	0	12	10
	888	0	04	75
	851	0	07	50
	852	0	02	80
	887	0	13	70
	857	0	28	60
	845	0	61	00
	818/1	0	00	30
	837	0	39	00
	835	0	11	00
	कार्टट्रेक	0	02	00

[सं. ऑ-11027/148/90-ओ.ए. ए. ए. -III]

## MINISTRY OF PETROLEUM &amp; NATURAL GAS

New Delhi, the 15th March, 1991

S.O. 964.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GGS. V to G.C.S. Kalol, in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by subsection (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

## SCHEDULE

Pipeline From GGS 5 to GCS KALOL

State : Gujarat District : Mehsana Taluk : Kalol

Village	Survey No.	He- tare	Ar- re	Cent. Hectare
Kalol	1111	0	08	00
	1110	0	08	00
	1109	0	12	60
	1101/1	0	11	10
	1100/1	0	00	80
	1100/2	0	06	80
	1100/4	0	05	60
	1096/4	0	24	20
	Cart track	0	01	60
	896/1	0	11	90
	890	0	17	40
	Cart track	0	12	20
	849/3	0	17	50
	889	0	08	20
	850	0	12	10
	888	0	04	75
	851	0	07	50
	7852	0	02	80
	887	0	13	70
	857	0	28	60
	845	0	61	00
	818/1	0	00	30
	837	0	39	00
	835	0	11	00
	Cart track	0	02	00

[N.O-11027/148/90-ON.G III]

का.प्र. 985.— यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में सी पी एफ गंधार से अंपोलो टायर्स तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए ।

और, अतः, यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुक्त अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ।

अतः, अब, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है ।

अतः कि उक्त भूमि में हितवन् कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और बेजबाल प्रभाग, मकरपुरा रोड, बड़ौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा ।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी धुनवाई व्यक्तिगत रूप से या किसी बिधि व्यवसायी की मार्फत ।



## अनुसूची

सी.पी.एफ गंधार से एपोलो टायर्स तक पाइपलाइन बिछाने के लिए।

राज्य : गुजरात जिला : बरुच तहसील : वागरा

गांव	ब्लॉक नं.	हेक्टर	घाट	सेन्टीमीटर
1	2	3	4	5
अरगमा	359	0	09	80
	360	0	06	80
	375	0	03	95
	376	0	10	85
	377	0	04	78
	383	0	20	85
	384	0	07	85
	385	0	14	91
	386	0	00	29
	444	0	14	35
	443	0	13	87
	442	0	01	14
	435	0	00	97
	436	0	09	87
	437	0	02	86
	438	0	16	90
	439	0	11	80
	400	0	20	90
	424	0	25	98
	421	0	23	95
	420	0	10	00
	465	0	11	98
कार्ट ट्रैक	0	03	20	
507	0	00	25	
510	0	16	95	
509	0	16	00	
516	0	11	95	
505	0	17	75	
521	0	04	55	
517	0	09	39	
520	0	31	58	
522	0	01	00	

[सं. ऑ-11027/149/90-प्रो. एन. जी. डी.-III]

S.O. 965.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from CPF Gandhar to Apollo Tyres in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Author-

ity, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra-390009

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## SCHEDULE

Pipeline from CPF Gandhar to Apollo Tyres

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Ac-	Cent-
1	2	3	4	5
Argama	359	0	09	80
	360	0	06	80
	375	0	03	95
	376	0	10	85
	377	0	04	78
	383	0	20	85
	384	0	07	85
	385	0	14	91
	386	0	00	29
	444	0	14	35
	443	0	13	87
	442	0	11	14
	435	0	00	97
	436	0	09	87
	437	0	02	86
	438	0	16	90
	439	0	11	80
	400	0	20	90
	424	0	25	98
	421	0	23	95
	426	0	10	00
	465	0	11	98
Cart track	0	03	20	
507	0	00	25	
510	0	16	95	
509	0	16	00	
516	0	11	95	
505	0	17	75	
521	0	04	55	
517	0	09	39	
520	0	31	58	
522	0	01	00	

[No. O-11027/149/90-ONG.D.III]

का.प्र. 965:- यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लाकहित में यह आवश्यक है कि गुजरात राज्य में जा.ओ.एस.-5 से जा.ओ.एस. बरुच तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आवाह द्वारा बिछाई जानी चाहिए।

और, यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एन.एन.एस. अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 का उपधारा (1) द्वारा प्रस्तावित कार्यों का उपयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एन.एन.एस. घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप मक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निमाण और देखभाल प्रभाग, मकरपुरा रोड, बडोदा-9 का इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा;

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी व्यवसायी की मार्फत ।

#### अनुसूची

जी.जी.एस. 5 से जी.सी.एस. कलोल तक पाइपलाइन बिछाने के लिए				
राज्य : गुजरात	जिला : महेशणा		तहसील : कलोल	
गांव	ब्लॉक	हेक्टर	आर.	से.
प्रतापपुरा	66	0	24	80
	67	0	15	80
	69	0	03	10
	70	0	26	80
	कार्टट्रैक	0	01	40
	76	0	33	50
	77	0	05	80
	95	0	17	40
	96	0	15	10
	97	0	20	80
	117	0	14	20

[स. ओ-11027/150/90-ओ एन जो डी-III]

S.O. 966.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from G.G.S. V to G.C.S. Kolol in Gujarat State pipeline should be laid by Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

#### SCHEDULE

Pipeline from GGS-5 to GCS Kalol

State : Gujarat	District : Mahesana	Taluka : Kalol		
Village	Block No.	Hec-tare	Are	Centi-tiare
Pratappura	66	0	24	80
	67	0	15	80
	69	0	03	10
	70	0	26	80
	Cart track	0	01	40
	76	0	33	50
	77	0	05	80
	95	0	17	40
	96	0	15	10
	97	0	20	80
	117	0	14	20

[No. O-11027/150/90-ONGD-III]

का आ 967:— यदा केन्द्रिय सरकार को यह प्रतीत होता है कि वाक्य में यह आवश्यक है कि गुजरात राज्य में के.एन. के फेस-II तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जाना चाहिए;

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए पेट्रोलियम अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3(1) की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रिय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एनद्वारा घोषित किया है;

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप मक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निमाण और देखभाल प्रभाग, मकरपुरा रोड, बडोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा;

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत ।

#### अनुसूची

क.एन. के. फेस-II के लिए लाइन बिछाने के लिए ।

राज्य : गुजरात	जिला और तालुका: बडोदरा			
गांव	सर्वे नं.	हेक्टर	आर.	सेन्टी.
पदमला	736/बी	0	54	80

[सं. ओ-11027/151/90-ओ एन जो डी-III]

S.O. 967.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from KNK PHASE-II in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

#### SCHEDULE

Pipeline for KNK Phase-II

State : Gujarat	District & Taluka : Vadodara			
Village	Survey No.	Hec-tare	Are	Centi-tiare
Padamala	726/2B	0	54	80

[No. O-11027/151/90-ONGD-III]

का या 988—यस: केन्द्रिय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जी.एन.जी.एन. से ई.पी.एन. तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए;

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वाक्य अनुसूची से वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 (1) का उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रिय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है;

बशर्ते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडोदा-9 का इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा,

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

#### अनुसूची

जी एन जी एन से ई पी एस तक पाईप लाइन बिछाने के लिए

राज्य गुजरात	जिला : भरुच	तालुका	वाधरा
गांव	ब्लॉक नं.	हे.	आर. सेंटी.
वाधरा	322/ए/बी	0	83 20

[नं. ओ-11027/152/90-ओ एन जी डी -III]

S.O. 958.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNGN to EPS in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

#### SCHEDULE

Pipeline from GNGN to E.P.S.

State	Gujarat	District : Bharuch	Taluka : Vagra		
Village		Block No.	He- ctre	Are	Cent- tore
Gandhu		322/A/B	0	83	20

[No. O-11027/152/90-ONG-D-II]

का.या. 964—यस: केन्द्रीय सरकार को नि लोकहित में यह आवश्यक है कि गुजरात राज्य में जी.एन.जी.एन. से ई.पी.एन. तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वाक्य अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः अब पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है;

बशर्ते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा,

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

#### अनुसूची

के एन के फेम-II के लिए पाईप लाइन बिछाने के लिए

राज्य . गुजरात	जिला और तालुका : वडोदरा			
गांव	सर्वे नं.	हेक्टर	आर.	सटोयर
फाजलपुर	6	0	11	20
	1/बी	0	57	40

[नं. ओ-11027/153/90-ओ एन जी डी -III]

S.O. 969.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from KNK Phase-II—in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra 390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

#### SCHEDULE

Pipeline from KNK Phase II

State : Gujarat	Pipe-line from KNK Phari N		
	Dist & Taluka : Vadodra		
Village	Survey No	He- ctre	Are Cent- tirare
Fajalpur	6	0	11 20
	1/B	0	57 40

[No. O-11027/153/90-ONG-D-III]

का.भा. ७70—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जी.जी.एन-5 में जी.सी.एल. कलोल तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस प्रायोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिए एतद्पावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है,

अतः अब पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है :

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस प्रायोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

#### अनुसूची

जी.जी.एल.-5 में जी.सी.एल. कलोल तक पाइप लाइन बिछाने के लिए  
राज्य : गुजरात जिला : मेहसाणा तहसील : कलोल

गांव	ब्लॉक नं.	हेक्टेयर	आर.	सेटीयर
धोला	446	0	44	10
	445	0	00	90
कार्ट ट्रैक		0	00	20
	430	0	34	40
	409	0	10	00
	410	0	07	20
	414	0	03	20
	415	0	04	80
कांस्त		0	03	10
	380	0	09	90
	378/पी	0	02	80
	382	0	15	80
	383	0	12	00
	267	0	00	10
	266	0	22	20

[नं. ओ-11027/154/90-आ एन जी डी-III]

S.O. 970.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from G.G.S. V to G.C.S. Kalol in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Author-

ity, Oil & Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodra-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

#### SCHEDULE

Pipeline from GGS-5 to GCS Kalol

State : Gujarat District : Mehsana Taluk : Kalol

Village	Block No.	Hec-tare	Ac-	Con-tiare
OLA	446	0	44	10
	445	0	00	90
	Cart track	0	00	20
	430	0	34	40
	409	0	10	00
	410	0	07	20
	414	0	03	20
	415	0	04	80
	Kan.	0	03	10
	380	0	09	90
	378/P	0	02	80
	382	0	15	80
	383	0	12	00
	267	0	00	10
	266	0	22	20

[No. O-11027/154/90-ONG-D-III]

का.भा. ७71—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में बडौदा-34 में ई पी एम बडौदा तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस प्रायोग द्वारा बिछाई जानी चाहिए,

और अतः यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिए एतद्पावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस प्रायोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

#### अनुसूची

बडौदा-34 में ई पी एम बडौदा तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात	जिला : बड़ोदरा,	तालुका : पादरा		
गांव	ब्लाक नं.	हेक्टेयर	आर	सेटीयर
माजावन	कार्ट ट्रैक	0	01	30
	599	0	08	26
	598	0	00	52
	कार्ट ट्रैक	0	00	91

[नं. ओ-11027/156/90-ओ एन जी डी-III]

S.O. 971—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Dabka-34 to EPS Dabka in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner

#### SCHEDULE

##### Pipeline from DABKA-34 to EPS DABKA

State : Gujarat District : Vadodara Taluka : Padra

Village	Block No.	Hec-tare	Are	Centiare
Majatan	Cart track	0	01	30
	599	0	08	26
	598	0	09	52
	Cart track	0	00	91

[No. O-11027/156/90-ONG-D-III]

का आ. 972—यन केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जी जी एम-5 से ओ रो एन कलोल तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अन अब पेट्रोलियम और मिनरल पाइपलाइन (भूमि में उपयोग का अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 के उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आग्रह एतद्द्वारा घोषित किया है।

वर्तते कि उक्त भूमि में हिनबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सहित अधिकारी, तेल तथा प्राकृतिक गैस आयोग निर्माण और देखभाल प्रभाग मकरपुरा रोड बडोदा-9 को उस अधिसूचना की तारीख से 21 दिनों के अन्दर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति निर्दिष्टित यह भी कथन करेगा कि उस वह वह चाहता है कि उसकी पुनराई न्यायमय रूप से हो या किसी विधि व्यवस्था की संज्ञा में।

अनुसूची

जि जि एम 5 में जी जी एस एल तक पाइप लाइन बिछाने के लिए				
राज्य गुजरात	जिला मेहसाणा	तहसील कलोल		
गांव	भवेन	ट्रेक्टर आर	मेट्रीयर	
1	2	3	4	5
मईज	1375	0	08	20
	1377	0	11	70

1	2	3	4	5
1373	0	02	00	
1379	0	01	80	
1380	0	02	10	
1381/1	0	02	70	
1382	0	03	50	
1393	0	02	10	
1394	0	02	70	
1395/1	0	02	60	
1396	0	11	60	
1397	0	10	70	
1406/1	0	04	20	
1405/1	0	06	30	
1405/2	0	03	50	
1404	0	00	30	
1399/1	0	00	10	
1401/1	0	10	20	
1403/3	0	10	20	
1403/1	0	09	20	
1403/5	0	00	10	
1425/2	0	05	40	
कार्ट ट्रैक	0	02	00	
1240	0	00	35	
1239	0	06	20	
1237/1	0	02	81	
1236	0	02	70	
कार्ट ट्रैक	0	01	00	
1235/1	0	01	00	
1235/2	0	06	60	
1234/3	0	07	00	
1233	0	01	40	
1165	0	09	20	
1168/2	0	04	10	
1169/2	0	04	30	
1170/1	0	03	10	
1170/2	0	01	20	
1117/1	0	00	40	
1171/2	0	05	10	
1192/1	0	03	10	
1191/1	0	03	00	
1190/1	0	03	00	
1189/1	0	01	30	
1189/2	0	01	15	
1188/2	0	06	10	
1186/3	0	02	20	
1186/2	0	00	60	
1187/3	0	00	20	
1187/2	0	01	10	
1187/1	0	02	15	
1185/1	0	05	70	
1183	0	00	15	
1182	0	04	40	
982	0	03	90	
983	0	03	50	

[स आ-11027/156/90-ओ एन जी डी III]

S. 972.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from G.G.S. 5 to G.C.S. Kalol in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission,

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

#### SCHEDULE

##### Pipeline from Gms-5 to GCS Kalol

State : Gujarat District : Mehsana Taluka : Kalol

Village	Survey No.	Hec-tare	Are	Centiare
1	2	3	4	5
Salj	1376	0	08	20
	1377	0	11	70
	1378	0	02	00
	1379	0	01	80
	1380	0	02	10
	1381/1	0	02	70
	1382	0	03	50
	1393	0	02	10
	1394	0	02	70
	1395/1	0	02	60
	1396	0	11	60
	1397	0	10	70
	1406/1	0	04	20
	1405/1	0	06	30
	1405/2	0	03	50
	1404	0	00	30
	1399/1	0	00	10
	1401/1	0	01	20
	1403/3	0	10	20
	1403/1	0	09	20
	1403/5	0	00	10
	1425/2	0	05	40
	Cart track	0	02	00
	1240	0	00	35
	1239	0	06	20
	1237/1	0	02	81
	1236	0	02	70
	Cart track	0	01	00
	1235/1	0	01	00
	1235/2	0	06	60
	1234/3	0	07	00
	1233	0	01	40
	1165	0	09	20
	1168/2	0	04	10
	1169/2	0	04	30
	1170/1	0	03	10
	1170/2	0	01	20

1	2	3	4	5
	1117/1	0	00	40
	1171/2	0	05	10
	1192/1	0	03	10
	1191/1	0	03	00
	1190/1	0	03	00
	1189/1	0	01	30
	1189/2	0	01	15
	1188/2	0	06	10
	1186/3	0	02	20
	1186/2	0	00	60
	1187/3	0	00	20
	1187/2	0	01	10
	1187/1	0	02	15
	1185/1	0	05	70
	1183	0	00	15
	1182	0	04	40
	982	0	03	90
	983	0	03	50

[No. O-11027/156/90 ONG-D-III]

का.भा. 973.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में टी.पी. राणासन से रामोल जी.जी.एस. तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पाव्य अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उसमें उपयोग का अधिकार अर्जित करने का अपना आशय घोषित कर दिया है।

अर्थात् कि उक्त भूमि में हिनन्द कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और रखरखाव प्रभाग, मकरपुरा रोड, बड़ोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

#### अनुसूची

टी.पी. राणासन से रामोल जी.जी.एस. तक पाइप लाइन बिछाने के लिए  
राज्य : गुजरात जिला : अहमदाबाद तालुका : बरकोई

गांव	ब्लॉक नं.	हेक्टर	घर	सेटीयर
भुवलडी	739	0	13	40
	740	0	11	60
	741	0	11	20
	742	0	02	60
	743	0	08	40
	744	0	12	00
	745	0	33	00
	रोड	0	04	20
	684	0	10	00
	687	0	14	40

1	2	3	4	5	1	2	3	4	5
	664	0	14	40		743	0	08	40
	688	0	16	00		744	0	12	00
	689	0	02	00		745	0	33	00
	690/1	0	15	00		Road	0	04	20
	690/2	0	06	00		684	0	10	00
	690/3	0	15	00		687	0	14	40
	कार्ट ट्रैक	0	04	00		664	0	14	40
	620	0	18	00		688	0	16	00
	589/1	0	10	80		689	0	02	00
	589/2	0	06	00		690/1	0	15	00
	589/3	0	18	00		690/2	0	06	00
	592	0	04	60		690/3	0	15	00
	591	0	06	20		Cart track	0	04	00
	593	0	01	00		620	0	18	00
	586	0	19	00		589/1	0	10	80
	577	0	19	00		589/2	0	06	00
	586	0	08	00		589/3	0	18	00
	578	0	08	00		592	0	04	60
	532	0	08	40		591	0	06	20
	531	0	03	10		593	0	01	00
	535	0	17	00		586	0	19	00
	530	0	01	00		577	0	19	00
	529	0	16	00		585	0	08	00
	526	0	28	00		578	0	08	00
	525	0	08	00		532	0	08	40
						531	0	03	10
						535	0	17	00
						530	0	01	00
						529	0	16	00
						526	0	28	00
						525	0	08	00

[सं. ओ-11027/157/90-ओ एन जी-डब्ल्यू-III]

[No. O-11027/157/90-ONG-D-III]

S.O. 973.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from T.P. Ranasan to Ramol G.G.S. in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto:—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

#### SCHEDULE

Pipeline from T.P. Ranasan to Ramol GGS

State : Gujarat District : Ahmedabad Taluka : Dascroi

Village	Block No.	Hec-tare	Are	Centi-are
1	2	3	4	5
Bhuwaldi	739	0	13	40
	740	0	11	60
	741	0	11	20
	742	0	02	60

नई दिल्ली, 21 मार्च, 1991

का.शा. 974 :—यह केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में गंधार से धुपरण तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी ज.इ.नों को बिछाने के प्रयोजन के लिए एतद्पाखण्ड अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

अर्थात् कि उक्त भूमि में हितयुक्त कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आयोग अथवा प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडोदा-9. को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति निर्निमित्तः यह भी कथन करेगा कि क्या यह सह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

## धनुसूची

गंधार से धुवारण तक पाइप लाइन बिछाने के लिए।

राज्य :	गुजरात	जिला :	खेडा	तालुका :	बोरसद
गांव	सर्वे नं.	हे.	आर.	सेन्टी	
1	2	3	4	5	
वेहवाण	1076	0	21	00	

[सं. प्रो.-11027/82/88-प्रो.एन.जी.डी.-III]

New Delhi, the 21st March, 1991

S.O. 974.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Gandhar to Dhuwran in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto:—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra-390 009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

## SCHEDULE

## PIPELINE FROM GANDHAR TO DHUWARAN

State :	Gujarat	District :	Kheda	Taluka :	Borsad
Village	Survey No.	Hect. Are	Centi-are		
1	2	3	4	5	
Dewan	1076	0	24	00	

[No. O—11027/82/88-O.N.G. D-III]

नई दिल्ली, 22 मार्च, 1991

का.आ. 975 :—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जी.एन.डी.एफ. में जी.एन.ए.क्यू. तक पेट्रोलियम के परिवहन के लिये पाइपलाइन लेन तथा प्राकृतिक गैस प्रायोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एलपाबद्ध धनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः जब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा (1) प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

इसलिए कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के लिये पाइप लाइन बिछाने के लिए आक्षेप, सक्षम प्राधिकारी, लेन तथा प्राकृतिक

गैस प्रायोग निर्माण और रखरखाव प्रभाव, मकरपुरा रोड, बड़ौदा-8. को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा करनेवाला हर व्यक्ति विनिश्चितः यह भी कथन करेगा कि क्या यह चाहता है कि उक्त की सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के माफ़क।

## अनुसूचा

जी.एन.डी.एफ. से जी.एन.ए.क्यू. तक पाइप लाइन बिछाने के लिए।

राज्य :	गुजरात	जिला :	भरुच	तालुका :	जंबुसर
गांव	ब्लॉक नं.	हेक्टेयर	आर.	सेन्टी-	यर
1	2	3	4	5	
कलक	565	0	00	12	
	653	0	00	10	
	652	0	06	50	
	655	0	24	14	
	592	0	21	80	
	665	0	12	87	
	654	0	09	75	
	664	0	07	80	

[सं.प्रो. 11027/84/89-प्रो.एन.जी.डी. III]

New Delhi, the 22nd March, 1991

S.O. 975.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNBF to GNAQ in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto:—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra-390 009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

## SCHEDULE

## PIPELINE FROM GNBF TO GNAQ

State :	Gujarat	District :	Bharuch	Taluka :	Jambusar
Village	Block No.	Hect- Are	Centi-are		
1	2	3	4	5	
Kalak	565	0	00	12	
	653	0	00	10	
	652	0	06	50	
	655	0	24	14	
	592	0	21	80	
	665	0	12	87	
	654	0	09	75	
	664	0	07	80	

[No. O—11027/84/89-O.N.G.D-III]



का.भा. 978:—यतः पेट्रोलियम और खनिज पाश्चात्यान भूमि में उपयोग के अधिकार का अधिन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा के अधिन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का प्र.सं. 800 तारीख 27-2-90 द्वारा केन्द्रीय सरकार ने उक्त अधिसूचना में संलग्न अनुसूची में विनिश्चित भूमियों के अधिकार को पाश्चात्यानों को विछाने के लिए अर्जन करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधिन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिश्चित भूमियों उपयोग का अधिकार अर्जन करने का विनिश्चय किया है।

अतः, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा अर्जन शक्ति का प्रयोग करने हुए, केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिश्चित उक्त भूमियों में उपयोग का अधिकार पाश्चात्यान विछाने के प्रयोजन के लिए एतद्वारा अर्जन किया जाता है।

और आगे उक्त धारा की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार निर्वेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजह से तेल और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगी।

#### अनुसूची

सी.डी.एफ. कलोल में जी.जी.एस. XI तक पाश्चात्यान विछाने के लिए।

राज्य: गुजरात	जिला: मेहसाणा	तालुका: कलोल		
गांव	कलाक नं.	हेक्टेयर	आर	सेन्टी- यर
1	2	3	4	5
सेरथा	1802	0	06	80
	1800	0	05	70
	1799	0	16	60
	1798	0	11	50
	1797	0	00	10
	1795	0	02	96
	1794	0	03	91
	1793	0	11	20
	1792	0	05	20
	1791	0	04	50
	1773	0	09	00
	1784	0	09	50
	1783	0	08	20
	1782	0	04	80
	1779	0	05	50
	1778	0	06	40
	1697/ए	0	00	25
	1696/ए	0	03	16
	1693	0	14	00
	1700	0	01	15

1	2	3	4	5
	1220	0	18	05
	कार्ट ट्रैक	0	01	80
	1425	0	08	80
	1124	0	02	70
	1423	0	04	00
	1422	0	04	50
	1421	0	10	50
	1120	0	01	70
	1396	0	07	80
	1397	0	00	10
	1398	0	05	60
	1399	0	07	20
	1400	0	01	95
	1401	0	02	28
	1402	0	03	32
	1389	0	02	45
	1388	0	19	20
	1387	0	00	60
	1386	0	14	80
	1220	0	80	20
	1219/ए	0	08	50
	1219/बी	0	01	80
	1212	0	19	40
	1187	0	12	80
	कार्ट ट्रैक	0	00	96
	1188	0	19	50
	कार्ट ट्रैक	0	01	00
	1163	0	13	20
	1165	0	01	20
	1164	0	11	00
	1157	0	00	10
	1158	0	08	50
	1156	0	01	30
	1155	0	05	05
	1154	0	11	50
	कार्ट ट्रैक	0	01	00
	1048	0	06	20
	1050	0	07	12
	1051	0	10	28
	कार्ट ट्रैक	0	00	60
	1053	0	14	40
	कार्ट ट्रैक	0	01	80
	1021	0	07	00
	1020	0	13	40
	1003	0	11	60
	1002	0	12	40
	998	0	11	60
	994	0	12	00
	996	0	09	00
	992	0	02	80
	966	0	13	80
	963	0	12	60
	961	0	07	80
	951	0	10	40
	960	0	03	30

1	2	3	4	5
	959	0	02	80
	952	0	14	80
	948	0	17	80
	946	0	11	40
	944	0	12	80
	929	0	08	50
	930	0	10	00
	931	0	19	80
	काटे ट्रैक	0	01	00

[स. ओ.-11027/2/90-ओ.एन.जी.सी.-II]

S.O. 976.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 800 dated 27-2-90 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report decided to acquire the right user in the lands in the Schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said land specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

## SCHEDULE

## PIPELINE FROM CTF KALOL TO GGS XI.

State : Gujarat District : Mehsana Taluka : Kalol

Village	Block	Hc- are	Area	Conte- are
1	2	3	4	5
Sertia	1802	0	06	80
	1800	0	05	70
	1799	0	16	60
	1793	0	11	60
	1797	0	09	10
	1795	0	02	96
	1794	0	03	91
	1793	0	11	20
	1792	0	05	20
	1791	0	04	50
	1773	0	09	00
	1784	0	09	50
	1783	0	08	20
	1782	0	04	80
	1779	0	05	50
	1778	0	06	40
	1697/A	0	00	25
	1698/A	0	03	36
	1699	0	24	60

1	2	3	4	5
	1700	0	01	15
	1220	0	18	05
	Cart track	0	01	80
	1425	0	08	80
	1424	0	02	70
	1423	0	04	00
	1422	0	04	50
	1421	0	10	50
	1420	0	01	70
	1396	0	07	80
	1397	0	00	10
	1398	9	05	60
	1399	0	07	20
	1400	0	01	95
	1401	0	02	28
	1402	0	03	32
	1389	0	02	45
	1388	0	19	20
	1387	0	00	60
	1386	0	14	80
	1220	0	80	20
	1219/A	0	08	50
	1219/B	0	01	80
	1212	0	19	40
	1187	0	12	80
	Cart track	0	00	96
	1188	0	19	50
	Cart track	0	01	00
	1163	0	13	20
	1165	0	01	20
	1164	0	11	00
	1157	0	00	10
	1158	0	08	50
	1156	0	01	30
	1155	0	05	05
	1154	0	11	50
	Cart Track	0	01	00
	1048	0	06	20
	1050	0	07	12
	1051	0	10	28
	Cart track	0	00	60
	1053	0	14	40
		0	01	80
	1021	0	07	00
	1020	0	13	40
	1003	0	11	60
	1002	0	12	40
	998	0	11	60
	994	0	12	00
	996	0	09	00
	992	0	02	80
	966	0	13	80
	963	0	12	6
	962	0	07	80
	958	0	10	40
	960	0	03	30
	959	0	02	80
	952	0	14	80
	948	0	17	80
	946	0	11	40
	944	0	12	80
	929	0	08	50
	930	0	10	00
	931	0	19	80
	Cart track	0	01	00

[No. O-11027/2/90-ONGD-III]

का.अ. 977 :—यह केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में कूप नं. 25 से कूप नं. 5 तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उससे उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडौदा-9, को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा की क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

#### अनुसूची

कूप नं. 25 से कूप नं. 5 तक पाइप लाइन बिछाने के लिए :—

राज्य : गुजरात जिला : वडोदरा तालुका : —पादरा

गांव	सर्वे नं.	हेक्टेयर आरे.	सेन्टी- यर	
1	2	3	4	5
गवासद	245	0	30	75
	246	0	09	60
	247	0	00	70
	236	0	07	50
	249	0	15	45
	261	0	09	90
कार्टट्रेक		0	00	60
	268	0	15	15
	257	5	00	50
	269	0	00	50
	271	0	12	00
	270	0	08	10
	278	0	08	40
	277	0	09	90
	279	0	00	40
	276	0	06	75
कार्टट्रेक		0	02	25

[मं ओ -11027/5/91-ओ एन जी डी -III]

S.O. 977.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Well No. 25 to Well No. 5 in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto:—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Constitution & Maintenance Division, Makarpura Road, Vadodra-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

#### SCHEDULE

##### PIPELINE FROM WELL No. 25 to WELL No. 5

State : Gujarat District : Vadodra Taluka : Padara

Village	Survey No.	Hect- Are	Centi- Are	
1	2	3	4	5
Gavasad	245	0	30	75
	246	0	09	60
	247	0	00	70
	236	0	07	50
	249	0	15	45
	261	0	09	90
कार्टट्रेक		0	00	60
	268	0	15	15
	257	0	00	50
	269	0	00	50
	271	0	12	00
	270	0	08	10
	278	0	08	40
	277	0	09	90
	279	0	00	40
	276	0	06	75
कार्टट्रेक		0	02	25

[मं ओ -11027/5/91-ओ एन जी डी -III]

का.अ. 978 :—यह केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में एक उद्योग में लाना ई पी एस -I तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उससे उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित करती किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड बडौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कल्प करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

## अनुसूची

एल. डब्ल्यू. ई. ए. से लनवा ई. पी. एम.-1 तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला और तालुका : महेसाना

गांव सर्वे नं. हे. प्रार. मेट्री.

1	2	3	4	5
लनवा	374/1	0	00	48
	374/2	0	10	20
	383/2	0	01	68
	384/1पी	0	00	72
	384/1पी	0	11	16
	448	0	04	44
	447	0	05	04
	445		07	56
	452	0	07	20
	453	0	01	68
	4371	0	0	36
	436	0	05	76

[सं. ओ.-11027/6/91-ओ. न. जी. डी.-III]

## SCHEDULE

## PIPELINE FROM LWEA TO LANWA EPS-I.

State : Gujarat District : Mehsana Taluka : Mehsana

Village	Survey No.	Hect-are	Are	Centi-are
1	2	3	4	5
Lanwa	374/1	0	00	48
	374/2	0	10	20
	383/2	0	01	68
	384/1 P	0	00	72
	384/1 P	0	11	16
	448	0	04	44
	447	0	05	04
	445	0	07	56
	452	0	07	20
	453	0	01	68
	437/1	0	06	36
	436	0	05	76

[No. O—11027/6/91-ONG D-III]

का.ओ. : 979—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 2647 तारीख 6-10-90 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जन करने का अपना आग्रह प्रोहित कर दिया था।

और यतः मन्त्र प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार का रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जन करने का विनिश्चय किया है।

अतः अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार द्वारा घोषित करती कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए अर्जन किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजह से तेल और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की हम तारीख को निहित होगा।

S.O. 978.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from LWEA to Lanwa E.P.S. 1 in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the Schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarand Road, Vadodra - 390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

धनुषाक्षी				
धुवारण से के.जी.जी.एस. तक पाइप लाइन बिछाने के लिए				
राज्य : गुजरात जिला : खेडा तालुका : धोरमद				
गांव	सर्वे नं.	हे.	घार.	सेन्टी.
1	2	3	4	5
कालु	342	0	05	60
	338	0	04	55
	343	0	00	50
	359/4	0	02	59
	356	0	01	00
	358/1	0	01	00
	358/2	0	05	53
	363/1	0	02	80
	363 2+3	0	00	35
	365/12	0	03	57
	365/6	0	03	85
	409/6	0	05	25
	408/1	0	02	87
	408/2	0	03	15
	357/5	0	02	25
	407/3	0	01	61
	757	0	02	10
	406/1	0	01	82
	406/2	0	05	25
	धाडावाह	0	00	83
	401 5+6	0	03	15
	403/1	0	00	56
	402	0	01	26
	435/1	0	01	33
	435/2	0	04	41
	434	0	02	59
	437/1	0	04	55
	437/2	0	05	60
	439/1	0	00	25
	439/2	0	00	25
	440/2	0	04	00
	441	0	03	00
	443/1	0	00	77
	442/1	0	00	56
	442/3	0	02	04
	काटे ट्रंक	0	00	97
	127/2	0	02	00
	127/1	0	03	29
	128	0	06	37
	129 2/2	0	01	89
	130	0	06	44
	150/3	0	03	92
	150/4	0	00	50
	147/3	0	06	37
	146	0	06	30

1	2	3	4	5
	145/2	0	01	19
	142	0	01	75
	143	0	06	30
	82/2/1/2	0	03	57
	83	0	06	83
	84	0	03	57
	82/1	0	03	85
	काटे ट्रंक	0	00	35
	442/2	0	01	61

[सं. क्रो.-11027/74/90-क्रो.एन.जी.ओ.-III]

S.O. 979.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2647 dated 6-10-90 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

## SCHEDULE

## PIPELINE FROM DHUVARAN TO KGGS.

State : Gujarat District : Kheda Taluka : Borsad

Village	Survey No.	Hect- are	Are	Centi- are
1	2	3	4	5
Kalu	342	0	05	60
	338	0	04	55
	343	0	00	50
	359/4	0	02	59
	356	0	01	00
	358/1	0	01	00
	358/2	0	05	53
	363/1	0	02	80
	363/2+3	0	00	35
	365/12	0	03	57
	365/6	0	03	85
	409/6	0	05	25
	408/1	0	02	87
	408/2	0	03	15

1	2	3	4	5
Kalu (contd)	357/5	0	02	25
	408/3	0	01	61
	357	0	02	10
	406/1	0	01	82
	406/2	0	05	25
	Cart track	0	00	83
	401/5+6	0	03	15
	403/1	0	00	56
	402	0	01	26
	435/1	0	01	33
	435/2	0	04	41
	434	0	02	59
	437/1	0	04	55
	437/2	0	05	60
	439/1	0	00	25
	439/2	0	00	25
	440/2	0	04	00
	441	0	03	00
	443/1	0	00	77
	442/1	0	00	56
	442/3	0	02	04
	Cart track	0	00	97
	127/2	0	02	00
	127/1	0	03	29
	128	0	06	37
	129/2/2	0	01	89
	130	0	06	44
	150/3	0	03	92
	150/4	0	00	50
	147/3	0	06	37
	146	0	06	30
	145/2	0	01	19
	142	0	01	75
	143	0	06	30
	82/2/1/2	0	03	57
	83	0	06	83
	84	0	03	57
	82/1	0	03	85
	Cart track	0	00	35
	442/2	0	01	61

[No. O—11027/74/90-ONG D-III]

का.प्रा. 980.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.प्रा.सं. 2641 तारीख 6-10-90 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः मक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

गौर ध्याये, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और ध्याये उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की हम तारीख को निहित होगा।

## अनुसूची

धुधारण से के. जी. जी. एस. तक पार्सि सार्इन बिछाने के लिए।

राज्य : गुजरात जिला—खेड़ा तालुका—खंभात

गाँव	स. न.	हे.	घार.	सेंटी.
हरीपुरा	500/22/1	0	09	98
	500/16	0	11	37
	679	0	05	54
	500/10	0	02	22
	500/15	0	00	55
	500/8	0	04	44
	499/1	0	00	28
	500/7	0	07	21
	500/6	0	04	00
	500/5/ए-1	0	02	00
	506	0	02	10
	507	0	04	00
	500/4	0	05	04
	500/3	0	04	90
	539/1	0	00	50
	540	0	06	10
	554	0	06	44
	555	0	01	40
	556/1	0	02	60
	557	0	03	50
	577	0	05	60
	कार्ट ट्रैक	0	00	28
	576	0	08	32
	575/1	0	01	00
	592	0	10	53
	596	0	04	70
	595	0	02	87
	597/1-ए	0	05	25
	598/1	0	01	26
	598/2	0	01	26

[सं. ओ-11027/76/90-ओ. एम. डी-डी. II)]

S.O. 980.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2641 dated 6-10-90 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline ;

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline :

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

#### SCHEDULE

##### PIPELINE FROM DHUWARAN TO K-GGS.

State : Gujarat District : Kheda Taluka : Khambhat

Villago	Survey No.	Hect- are	Acre	Centi- are
1	2	3	4	5
Haripura	500/22/1	0	09	98
	500/16	0	11	37
	679	0	05	54
	500/10	0	02	22
	500/15	0	00	55
	500/8	0	04	44
	499/1	0	00	28
	500/7	0	07	21
	500/6	0	04	00
	500/5/A-1	0	02	00
	506	0	02	10
	507	0	04	00
	504/4	0	05	04
	500/3	0	04	90
	539/1	0	00	50
	540	0	06	10
	554	0	06	44
	555	0	01	40
	556/1	0	02	80
	557	0	03	50
	577	0	05	60
	Cart Track	0	00	28
	576	0	08	32
	575/1	0	01	00
	592	0	10	53
	596	0	04	70
	595	0	02	87
	597/1-A	0	05	25
	598/1	0	01	26
	598/2	0	01	36

[No. O—11027/76/90-ONG-D-III]

का.सा 981 —यत. केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में नादा-1 से जी. एन. ए. क्यु तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस प्रायोग द्वारा बिछाई जानी चाहिए।

और यत यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतदपारम्भ अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रवक्ष्यक्तों का प्रयोग करते हुए केन्द्रीय सरकार

ने उसमें उपयोग का अधिकार अर्जित करने का अपना आग्रह एतद्वारा घोषित किया है।

वर्षों कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप, सख्त प्राधिकारी, तेल तथा प्राकृतिक गैस प्रायोग निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या यह चाहना है कि उसकी सुमबाई व्यक्तिगत रूप से हो या किसी विशिष्ट व्यवसायी के मार्फत।

#### अनुसूची

नादा-1 से जी. एन. ए. क्यु तक पाइप लाइन बिछाने के लिए।

राज्य—गुजरात जिला—भरुच तालुका—जमुसर

गांव	ब्लोक न.	हे.	घार.	सेटी
कपुरीया	215	0	11	55
	217	0	05	10
	216	0	12	64
	213	0	04	59
	212	0	09	93
	185	0	00	80
	184	0	02	75
	183	0	00	75
	182/2	0	02	75
	128	0	01	45

[स. ओ-11027/46/90-ओएनजीओ-III]

S.O. 981.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Nada-1 to GNAQ in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the Schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpara Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

## SCHEDULE

## PIPELINE FROM NADA-1 TO GNAQ.

State : Gujarat District : Bharuch Taluka : Jambusar

Village	Block No.	Hect-are	Are	Cent are
1	2	3	4	5
Kapuria	215	0	11	55
	217	0	05	10
	216	0	12	64
	213	0	04	59
	212	0	09	93
	185	0	00	80
	184	0	02	75
	183	0	00	75
	182/2	0	02	75
	128	0	01	45

[No. O—11027/46/90-ONG. D-III]

का.प्र. 982 —यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जी एन सी पी से जी एन ए प्यु तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

अतः कि उक्त भूमि में हितवश कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोवा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितः यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

## अनुसूची

जी एन सी पी से जी एन ए प्यु तक पाइप लाइन बिछाने के लिए।  
राज्य—गुजरात जिला—भरुच तालुका—जंबुसर

गांव	ब्लॉक नं	हे	आर	सेंटी
कलक	789	0	06	89
	766/ग/बी	0	34	32
	768	0	03	25
	769	0	05	20
	770	0	02	08
	कार्ट ट्रैक	0	02	86
	721/ए	0	72	80

[सं. ओ-110 27 /60/90ओएनजी-डी-III]

S.O. 982.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNCP to GNAQ in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the Schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

## SCHEDULE

## PIPELINE FROM GNCP TO GNAQ

State : Gujarat District : Bharuch Taluk A: Jambusar

Village	Block No.	Hect are	Are	Centi-are
1	2	3	4	5
Kalak	789	0	06	89
	766/A/B	0	34	3
	768	0	03	25
	769	0	05	20
	770	0	02	08
	Cart track	0	02	86
	721/A	0	72	80

[No. O—11027/60/90-ONG. D-III]

का.प्र. 983 .—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में ई पी एस से अंकिलेश्वर सी टी एफ तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

अतः कि उक्त भूमि में हितवश कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोवा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितः यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।



अनुसूची				
ई पी एन से अक्लेश्वर सी टी एक तक पाइप लाइन बिछाने के लिए				
राज्य : गुजरात	जिला : अहमद	तालुका : अक्लेश्वर		
गांव	ब्लॉक नं.	हेक्टर	घर	सेटी.
तेलवा	169	0	02	20
	171	0	27	53
	172	0	11	90
कार्ट ट्रैक		0	04	20
	214	0	25	95
	216	0	06	50
	213	0	19	20
	217	0	28	80
	233	0	20	70
	232/A/B	0	45	75
	228	0	23	75
	229	0	03	80
	Cart track	0	05	40
	10/P	0	17	15
	17	0	16	95
	20	0	5	68

[सं. ओ-11027/117/90 ओएनजीसी III]

S.O. 983.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from EPS to Ankleshwar CTF in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the Schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

## SCHEDULE

## PIPELINE FROM E.P.S. TO ANKLESHWAR CTF.

State : Gujarat District : Bharuch Taluka : Ankleshwar

Village	Block No.	Hect- are	Are	Centi- are
1	2	3	4	5
Telwa	169	0	02	20
	171	0	27	53
	172	0	11	90
	Cart track	0	04	20

1	2	3	4	5
	214	0	25	95
	216	0	06	50
	213	0	19	20
	217	0	28	80
	233	0	20	70
	232/A/B	0	45	75
	228	0	23	75
	229	0	03	80
	Cart track	0	05	40
	10/P	0	17	15
	17	0	16	95
	20	0	5	68

[No. O—11027/117/90-ONG. D-III]

का. आ. 984.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जे एन ए पी से जे एन एम तक पेट्रोलियम के परिवहन के लिये पाईपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों का बिछाने के प्रयोजन के लिए एनएगाएच अनुसूचि में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज वाह्यलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962, (1962 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना म.स.य एतद्द्वारा घोषित किया है।

बतर्क कि उक्त भूमि में हितवांछ कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप लक्ष्य प्राप्तिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट : यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुमवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की माफ़त।

## अनुसूची

जे. एन. ए. पी. से जे एन. एम. तक पाइप लाइन बिछाने के लिए।

राज्य गुजरात	जिला व तालुका महसुला	गांव	ब्लॉक नं.	हेक्टेयर	घर	सेटीवर
सिद्धोसता	107	0	09	60		
	104	0	11	88		
	105	0	00	48		
	103	0	02	64		
	100	0	08	64		
	99	0	05	40		

[सं ओ 11027/141/90-ओएनजीसी III]

S.O. 984.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from JNAP to JNM in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the Schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

#### SCHEDULE

##### PIPELINE FROM JNAP TO JNM.

State : Gujarat District & Taluka : Mehsana

Village	Block	Hect are	Are	Centi- are
1	2	3	4	5
Sidosana	107	0	09	60
	104	0	11	88
	105	0	00	48
	103	0	02	64
	100	0	08	64
	99	0	05	40

[No. O—11027/141/90-ONG. D.-III]

का. आ. 985—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में ई पी एस से अक्लेश्वर सी टी एफ तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम गौर खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का (50) की धारा 3 की उपधारा द्वारा प्रदत्त कितनों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित।

बशर्त कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मगरपुरा रोड, बड़ौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी किछि व्यवसायी की मार्फत।

#### अनुसूची

ई पी एस से अक्लेश्वर सी टी एफ तक पाईप लाईन बिछाने के लिए।

राज्य—गुजरात	जिला और तालुका	ग्राम	गांव	ब्लॉक नं	हे	आर	सेटी
1	2	3	4	5	6	7	8
सपेटा		243	0	17	65		
		260	0	18	20		

2	3	4	5
276	0	00	25
258	0	10	15
257	0	14	35
264	0	13	85
265	0	03	50
गाडावाट	0	08	20

[सं 11027/146/90-ओ एन जी डी III]

S.O. 985.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from EPS to Ankleshwar CTF in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the Schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara 390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

#### SCHEDULE

##### PIPELINE FROM E.P.S. TO ANKLESHWAR CTF.

State : Gujarat District & Taluka : Bharuch

Village	Block No.	Hect are	Are	Centi- are
1	2	3	4	5
Navetha	243	0	17	65
	260	0	18	20
	261	0	00	25
	258	0	10	15
	257	0	14	35
	264	0	13	85
	265	0	03	50
	Cart track	0	08	20

[No. O—11027/146/90-ONG.D.-III]

का.आ. 986—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में डबका-24 से ई पी एस डबका तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार को अधिनियम (अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपन, आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ीदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट, यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

#### अनुसूची

डबका-34 से ई पी एस डबका तक पाइप लाइन बिछाने के लिए :—

राज्य—गुजरात जिला—वडोदरा तालुका—पादरा

गांव	ब्लॉक नं.	हेक्टेयर	एयर	सेन्टी एयर
चित्राल	कार्ट ट्रैक	0	00	65
	213	0	11	31
	211	0	10	40
	कार्ट ट्रैक	0	01	04
	210	0	10	14
	207	0	11	05
	206	0	12	35
	कार्ट ट्रैक	0	00	65
	137	0	09	62
	138	0	10	14
	145	0	40	82
	कार्ट ट्रैक	0	00	65
	125	0	07	80

[सं. ओ-11027/158/90-ओ.एन.जी.डी.-III]

के. विवेकानन्द, डैस्क अधिकारी

S.O. 986.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Dabka-34 to EPS Dabka in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the Schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

#### SCHEDULE

PIPELINE FROM DABKA-34 TO EPS DABKA.

State : Gujarat District : Vadodara Taluka : Padara

Village	Block No.	Hect- are	Are	Centi- are
1	2	3	4	5
Chitral	Cart track	0	00	65
	213	0	11	31
	211	0	10	40
	Cart track	0	01	64
	210	0	10	14
	207	0	11	05
	206	0	12	35
	Cart track	0	00	65
	137	0	09	62
	138	0	10	14
	145	0	40	82
	Cart track	0	00	65
	125	0	07	80

[No. O-11027/158/90-ONG. D-III]

K. VIVEKANAND, Desk Officer

स्वास्थ्य और परिवार कल्याण मंत्रालय

नई दिल्ली, 29 जनवरी, 1991

का.आ.987—यतः होम्योपैथी केन्द्रीय परिषद अधिनियम, 1973 (1973 का 59) की धारा 3 की उपधारा (1) के खंड (ख) के उपबन्धों के अनुसरण में नीचे की सारणी के कालम (1) में उल्लिखित व्यक्ति को कालम (2) में उल्लिखित विश्वविद्यालय से निर्वाचित किया गया है।

अतः अब उक्त अधिनियम की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा स्वास्थ्य एवं परिवार नियोजन मंत्रालय, स्वास्थ्य विभाग, के 6 अगस्त, 1974 के सा.का. 482(ई) में भारत सरकार की अधिसूचना में निम्नलिखित संशोधन करती है, अर्थात् :—

प्रविष्टियों के पश्चात् शीर्षक “धारा 3 की उपधारा (1) के खंड (ख) के अन्तर्गत निर्वाचित” के अन्तर्गत उक्त अधिसूचना में निम्नलिखित प्रविष्टि जोड़ी जाएगी, अर्थात् :—

सदस्य का नाम व पता	विश्वविद्यालय का नाम
(1)	(2)
14. डा. के. पी. मजूमदार, अध्यक्ष, फार्मसी विभाग, श्रीमती चन्दाबेन मोहनभाई पटेल होम्योपैथिक मेडिकल कालेज, इरला सोसाइटी रोड, बिले-पार्ले (परिचय) बम्बई-400056	बम्बई विश्वविद्यालय

[सं. बी-26017/15/87-होम्यो. (सी.सी.एच.) (II)]

टी.के. दास, संयुक्त सचिव

टिप्पणी :—मूल अधिसूचना को 6 अगस्त, 1974 के सं. 482 (ई) के तहत जारी किया गया और इसके बाद 29 अगस्त, 1990 की अधिसूचना सं. सी-26018/15/87-होम्यो. (सी सी एच) (II) द्वारा संशोधन किया गया।

### MINISTRY OF HEALTH & FAMILY WELFARE

New Delhi, 29th January, 1991

S.O. 987 :—Whereas in pursuance of the provisions of clause (b) of sub-section (1) of section 3 of the Homoeopathy Central Council Act, 1973 (59 of 1973), the person mentioned in column (1) of the Table below has been elected from the University mentioned in column (2).

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the said Act, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Health and Family Planning, Department of Health, No. S.O. 482(E), dated the 6th August, 1974, namely :—

In the said notification under the heading "Elected under clause (b) of sub-section (1) of section 3" after the entries the following entry shall be added namely:—

Name and address of the member	Name of University
(1)	(2)
"14. Dr. K.P. Muzumdar, Head of the Department of Pharmacy Smt. Chandaben Mohanbhai Patel Homoeopathic Medical College, Irla Society Road, Vile-Parle(W), Bombay-400 056	University of Bombay.

[No. V. 26017/15/87 Homoeo, (CCH) (II)]

T.K. DAS, Jt. Secy.

Foot Note :—The original notification was issued vide No. S.O. 482(E) dated the 6th August, 1974 and subsequent amendment by notification No. V. 26018/15/87-Homoeo (CCH) (ii) dated 25th August, 1990.

### सूचना और प्रसारण मंत्रालय

नई दिल्ली, 26 फरवरी, 1991

का.घा.988—चलचित्र (प्रमाणन) नियम, 1983 के नियम 3 के साथ पठित चलचित्र अधिनियम 1952 (1952 का 37) के खण्ड 3 के उपखण्ड (1) द्वारा प्रस्तुत शक्तियों का प्रयोग करते हुए तथा इस मंत्रालय की दिनांक 19-2-91 की सम्बंधक अधिसूचना का संबंध जहाँ तक श्री पी.के. पद्मन, श्रम संख्या 17 से है, उसका प्रतिक्रमण करते हुए केन्द्रीय सरकार तत्काल प्रभाव से अगले धावेंशों तक श्री बशीर एम. पिच्चा, बैण्ड्स, लेटेक्स रोड, पोरकड़ा, त्रिवंद्रम-695005 को केन्द्रीय फिल्म प्रमाणन बोर्ड का सदस्य नियुक्त करती है।

[का.घा. सं. 809/1/91-एफ. (सी)]

एस : लक्ष्मीनारायणन, संयुक्त सचिव

### MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 26th February, 1991

S.O. 988.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Cinematograph Act 1952 (37 of 1952) read with rule 3 of the Cinematograph (Certification) Rules 1983 and in supersession of this Ministry's Notification of even number dated 19-2-91 in so far as it relates to Shri P. K. Padman, at Sl. No. 17, the Central Government is pleased to appoint Shri Basheer M. Picha, Bains, Latex Road, Porcorkada, Trivandrum-695005, as a member of the Central Board of Film Certification with immediate effect and until further orders.

S. LAKSHMI NARAYANAN, Jt. Secy.

[File No. 809/1/91-F (C)]

### श्रम मंत्रालय

नई दिल्ली, 8 मार्च, 1991

का.घा.989—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उद्भू.सी.लि., (राजूर कारखाने सब-एरिया), पोस्ट-राजूर के प्रबंधन के संघर्ष नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अजमेरपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-2-91 को प्राप्त हुआ था।

### MINISTRY OF LABOUR

New Delhi, the 8th March, 1991

S.O. 989.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of W.C. Ltd., (Rajur Colliery Sub-Area), Post : Rajur and their workmen, which was received by the Central Government on the 28-2-1991.

### ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(53)/1990

### PARTIES :

Employers in relation to the management of Western Coalfields Ltd. (Rajur Colliery Sub-Area), Post Rajur, District Yavatmal, and their workman Sri Santosh Motiram Kale, Clipman, Rajur Colliery, District Yeotmal (M.S.)-445309.

### APPEARANCES :

For Workman—None.

For Management—None.

INDUSTRY : Coal Mine

DISTRICT Yeotmal (M.S.)

### AWARD

Dated : February 20, 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-22012(220)/89-JR(Coal-II) dated 8th February, 1990, for adjudication of the following dispute :—

"Whether the action of the Sub-Area Manager of Rajur Colliery of M/s. WCL in terminating the services of Sri Santosh Motiram Kale, Clipman w.e.f. 20-12-88, is justified? If not, to what relief the workman concerned is entitled?"

2. Parties were noticed to file their respective statement of claims, but none appeared from either side, nor filed or sent their respective of claims.

3. Management has sent a letter dated 6/8-9-90 by registered post stating that the case of Shri Santosh Motiram Kale has already been settled. Along with the letter dated 6/8-8-90 management has also sent an application purporting to be the settlement. It is signed by Sri Santosh Motiram Kale and Sr. Personnel Officer, W.C.L., Rajur Sub-Area. The prayer is "It is prayed that the above dispute having been resolved amicably may please be treated as closed."

4. It appears that some settlement has been arrived at between the parties, therefore, they have no interest in prosecuting their respective case.

5. Since both the parties are absent from the very beginning, may be because of the settlement between them outside the court, I have no option but to pass a No Dispute Award. Award is made accordingly.

V. N. SHUKLA, Presiding Officer  
[No. L-22012(220) 89-JR (C-II)]

नई दिल्ली, 13 मार्च, 1991

का.सा 990—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बारमोन्डिया कोलियरी सी. ई. सी. लि., के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-3-91 को प्राप्त हुआ था।

New Delhi, the 13th March, 1991

S.O. 990.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Barmondia Colliery of M/s. E.C. Ltd., and their workmen, which was received by the Central Government on the 13-3-91.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL ASANSOL

Reference No. 8/89

#### PRESENT:

Shri N. K. Saha, Presiding Officer.

#### PARTIES:

Employers in relation to the management of Barmondia Colliery of M/s. E.C. Ltd.

#### AND

Their workman

#### APPEARANCES:

For the Employers—Sri B. N. Lala, Advocate.

For the Workman—Sri C. D. Dwevedi, Advocate.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 26th February, 1991

#### AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the 795 G1 '91 -9

Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. I-22012(107)/88-D.IV(B) dated 3rd January, 1989.

#### SCHEDULE

"Whether the action of the Management of Barmondia Colliery of M/s. E.C. Ltd., P.O. Kanyapur, Dist. Burdwan in not regularising the workmen as mentioned in Annexure-A is justified? If not, to what relief the workmen concerned are entitled?"

2. The case is taken up for hearing today (26-2-91). Both the learned lawyers of the parties again pray for time for effecting settlement. It appears that the case is pending for a pretty long time for effecting the settlement. But the parties have not taken proper interest to get the matter settled.

3. In the circumstances I find that the parties are not very keen for disposal of the case and it appears to me that no dispute exists. So a no-dispute award is passed.

N. K. SAHA, Presiding Officer

[No. L-22012/107/88-D.IV(B)]

#### ANNEXURE-A

#### LIST OF THE WORKMEN

S. No. Name of the workmen

1. Sri Tara Bouri
2. Sri Lakhiram Majhi
3. Smt. Sanjli Majhian
4. Smt. Laghu Majhian
5. Smt. Dulali Majhian
6. Smt. Ladhi Bourin
7. Smt. Somi Kora
8. Smt. Ganga Kora
9. Smt. Rani Kora
10. Smt. Basanti Bhiya
11. Smt. Dukhi Muchi
12. Smt. Muni Muchi
13. Smt. Somri Bhuiya
14. Smt. Sugia Bhuiya
15. Smt. Basmaty Kora
16. Smt. Gouri Majhian
17. Smt. Sukarmuni Majhian
18. Smt. Lakhi Majhian
19. Smt. Rani Majhian
20. Smt. Phulmani Majhian
21. Smt. Pari Bhuiya
22. Smt. Jasoda Bhuiya
23. Smt. Sugia Bhuiya
24. Smt. Dashi Bhuiya
25. Smt. Ram Kishori Nuola.

का.सा 991—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बारमोन्डिया कोलियरी सी. ई. सी. लि., के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-3-91 को प्राप्त हुआ था।

S.O. 991.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bahula Colliery of M/s. Eastern Coal fields Ltd., and their workmen, which was received by the Central Government on the 13-3-91.

## ANNEXURE

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL ASANSOL

Reference No. 5/90

## PRESENT:

Shri N. K. Saha, Presiding Officer.

## PARTIES:

Employers in relation to the management of Bahula Colliery of M/s. E.C. Ltd.

## AND

Their Workman

## APPEARANCES:

For the Employers—Sri P. K. Das, Advocate.

For the Workman—Sri Manoj Mukherjee, Advocate.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 27th February, 1991

## AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(263)/89-IR(C.II) dated the 2nd/11th January, 1990.

## SCHEDULE

"Whether the action of the Management of Bahula Colliery of M/s. Eastern Coalfields Ltd., in dismissing Sri Sona Majhi No. 1, Haulage Khalasi from 20-5-87 is justified? If not, to what relief is the concerned workman entitled?"

2. The case of the concerned workman Sri Sona Majhi is that he was a permanent employee of Bahula Colliery under Eastern Coalfields Ltd. In the month of November, 1986 there was a murder in the locality of the workman. So he fled away out of fear. As a result he could not attend his duty. A chargesheet was issued against him for his absence without information and permission. Without serving a notice upon him and without hearing him the enquiry proceedings over that chargesheet was decided by the Enquiry Officer and ultimately he was dismissed from service on the result of that enquiry proceedings.

There was a conciliation proceeding, but to no effect. The matter was sent to the Government of India, Ministry of Labour and ultimately it has been referred to this Tribunal for adjudication.

3. The management has filed written statement contending inter-alia that the workman was in the habit of absenting himself without information. He absented himself from 9-12-86 and made himself scarce in the locality. So the enquiry proceeding was heard ex parte. He has rightly been dismissed from service. The management has denied the other averments of the written statement filed by the union.

4. The union challenged the enquiry proceedings stating that the principles of natural justice was violated in holding the enquiry. The matter was heard at length. On 29-11-90 the Court has found that the domestic enquiry was not properly and fairly held. The principles of natural

justice was violated and the entries domestic enquiry proceeding was set aside.

5. This Court has held the fresh enquiry on the chargesheet issued by the management Ext. M-4 which reads as follows:

"Office of the Agent/Manager, Bahula Colliery."

Ref. No. BO/PO/NS/2/86/1113  
Sri No. 1 Sona Majhi, Haulage Khalasi,  
NJ Unit Bahula Colliery

Dated 10-12-86

Vill : Jamuria

P.O. Nondi,

P.S. Bodidanga

Dt. Burdwan (W.B.)

## CHARGESHEET

It has been brought to the notice of undersigned that you have been absenting from your duties without permission and without sufficient cause on and from 9-12-86 till date. Please note that your unauthorised absence from the duties has dislocated the company work and has affected the work in progress as well.

Your above act amounts to misconduct as per provisions of the 'Standing Orders' applicable to this establishment.

You are hereby asked to state in writing within 3 (three) days on receipt of this chargesheet as to why disciplinary action should not be taken against you for your aforesaid misconduct.

Sd/- Illegible

Agent/Manager

Bahula Colliery.

CC. to Asstt. Manager, North Jambad Unit.

The above chargesheet was submitted on 10-12-86 on the allegation that the workman absented himself from duty without sufficient cause w.e.f. 9-12-86 till date. The learned Lawyer for the union has urged that according to the chargesheet the workman was absent only for a day. On this point he has drawn the attention of the Court to Rule 17 of the Industrial Employment (Standing Orders) Central Rules, 1946. In that rule it has been laid down in clause (n) that continuous absence without permission or without satisfactory cause for more than 10 days shall denote misconduct. He has urged before me that the absence of the workman for a day does not constitute any misconduct according to the Standing Orders and as such this proceeding is bad. Considering the provision as pointed out by the learned Lawyer for the union I find nothing to disagree with him. I find that the absence of the workman for a day does not amount to misconduct according to the standing orders. So no punishment can be imposed upon him and the order of dismissal for such absence was illegal.

6. Be that as it may, if my above finding be not tenable then I should say that he was guilty for misconduct but the punishment imposed upon the workman was disproportionate. It is true that on some previous occasions the workman absented himself from duty without intimation and for that he was punished. But for that a man should not be dismissed from service. The dismissal of service is worse than capital punishment. Hon'ble Supreme Court has held that capital punishment should be imposed in a rare of the rarest cases. So if I am asked to give my judgement on merit then I must say that the workman should be reinstated in service with immediate effect with 50 per cent back wages.

7. In the result I find that the order of dismissal of the concerned workman Sri Sona Majhi No. 1, Haulage

khalasi from 20-5-87 is not justified. The chargesheet issued against him is illegal as absence for a day does not constitute any misconduct according to the standing orders. Sri Sona Majhi shall be reinstated in service with immediate effect with full back wages.

This is my award.

N. K. SAHA, Presiding Officer

[No. L-22012/263/89-IR(C-II)]

का.भा.९९२—प्रयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बाहुला कोलियरी मै. ईस्टर्न कोलफील्ड लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट प्रयोगिक विवाद में केन्द्रीय सरकार प्रयोगिक अधिकरण आसनमोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-3-91 को प्राप्त हुआ था।

S.O. 992.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bahula Colliery of M/s. Eastern Coalfields Ltd., and their workmen which was received by the Central Government on the 13-3-91.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL ASANSOL.

Reference No. 9/90

#### PRESENT :

Shri N. K. Saha,  
Presiding Officer.

#### PARTIES :

Employers in relation to the management of Bahula Colliery of M/s. E.C. Ltd.

AND

Their Workman

#### APPEARANCES :

For the Employers.—Sri P. K. Das, Advocate,

For the Workman.—Sri Bijoy Kumar, Jt. Secretary of the concerned union.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 26th February, 1991

#### AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(261)/89-IR(C.II) dated the 8th February, 1990.

#### SCHEDULE

"Whether the action of the Management of Bahula Colliery of M/s. Eastern Coalfields Ltd., in making anomaly in the fixation of pay of S/Shri N. B. Banerjee N. M. Quaji and J. N. Das, Senior clerks is justified ? If not, to what relief the concerned workman is entitled ?"

2. The case is taken up for hearing to-day (26-2-91). Sri Bijoy Kumar, Joint Secretary of the concerned union submits that he has no instruction to proceed with the case and makes an endorsement to that effect.

3. In view of the circumstances, I find no other alternative but to pass a no-dispute award and accordingly a no-dispute award is passed.

N. K. SAHA, Presiding Officer

[No. L. 22012/261/89-IR(C-II)]

का.भा.९९३—प्रयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सब-एरिया मैनेजर, गेवरा एण्ड कुसमुण्डा प्रोजेक्ट एस.ई.लि., जिं बिलासपुर (म.प्र.) के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट प्रयोगिक विवाद में केन्द्रीय सरकार प्रयोगिक अधिकरण, जबलपुर (म.प्र.) के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-3-91 को प्राप्त हुआ था।

S.O. 993.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur (M.P.) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sub-Area Manager, Gevras Kusmunda Project S. E. Ltd., Distt. Bilaspur (M.P.) and their workmen, which was received by the Central Government on the 13-3-91.

#### ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(47)/1989

#### PARTIES :

Employers in relation to the management of Sub-Area Manager, Gevra & Kusmunda Project S. E. Ltd. District Bilaspur (M.P.) and their workmen, represented through the General Secretary, M. P. Koyla Mazdoor Sabha, South Bhagrakhand Colliery, District Surguja (M.P.).

#### APPEARANCES :

For workmen.—None.

For Management.—Shri Rajendra Menon, Advocate.

INDUSTRY : Coal Mine. DISTRICT : Bilaspur (M.P.).

Dated, 25th February, 1991

#### AWARD

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-22012(134)/88-D-4 dated 15-2-1989, for adjudication of the following dispute :—

"Whether the demand of the Madhya Pradesh Koyala Mazdoor Sabha, Gevra Br., Distt. Bilaspur to treat the workers engaged through coal transport contractors without holding any valid licence, as direct employees of the Principal Employer i.e. Sub-Area Manager's Gevra & Kusmunda is justified ? If yes, to what relief the workman are entitled ?"

2. In this case Management has filed its statement of claim but the party raising the dispute i.e. the Union of workmen did not file the statement of claim in support of their case though a number of adjournments granted to them since 30-3-1989. Only once i.e. on 10-4-1989 Shri N. L. Pandey appeared on behalf of the Union.

3. On the last date i.e. 21-2-1991 none appeared on behalf of the Union. Therefore it appears that the Union/workmen are not interested in contesting their demand. I have therefore no option but to record a No Dispute Award. Award is made accordingly.

Dated, : 25-2-1991

V. N. SHUKLA, Presiding Officer

[No. L-22012/134/88 D.IV(B)]

का.आ.994—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बेस्टन कोलफील्ड लि. पारसिया, जिला छिन्दवारा (म.प्र.) के प्रबंधन तथा संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर (म.प्र.) पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-3-91 को प्राप्त हुआ था।

S.O. 994.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur (MP) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Coalfields Ltd., Parasija, District Chhindwara (MP) and their workmen, which was received by the Central Government on the 13th March, 1991.

#### ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—  
CUM-LABOUR COURT, JABALPUR (M.P.)

CASE NO. CGIT/LC(R)(76)/1988

#### PARTIES :

Employers in relation to the management of Western Coalfields Ltd., Parasija, District Chhindwara (M.P.)

AND

Their workman, Shri Gana S/o Nokhey Mehra, Line Mistry, Village Varah Barthari, Post Thula Mongaon (Rihodi) Tahsil Agatwada, District Chhindwara (M.P.).

#### APPEARANCES :

For Workman—None.

For Management—Shri A. K. Shasi.

INDUSTRY : Coal Mine. DISTRICT : Chhindwara (MP)

#### AWARD

Dated : February 21, 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-21012/107/87-D-3B dated 18th July, 1988, for adjudication of the following dispute :—

"Whether the action of the management of Rawanwara Khas Colliery of W.C.L. Parasija, District Chhindwara in retiring Sri Gana S/o Nokhey, Line Mistry with effect from 25th May, 1986 is justified? If not, to what relief the concerned workman is entitled to?"

2. Parties were noticed to file their respective claim complete with relevant documents, list of reliance and witnesses. Management filed its statement of claim. Workman neither appeared nor filed his statement of claim inspite of repeated notices.

3. Shri Sashi Counsel for the management stated before this Tribunal that this is a case of superannuation and as per instructions the workman has worked upto the age of 62 years and therefore the workman has no interest in this case. The conduct of the workman is apparent as he has not put his appearance on any dates since the inception of the case i.e. 26th July, 1988 despite repeated adjournments granted and notices issued.

4. The workman has also not filed his statement of claim till today. It follows that the workman has no interest and does not want to contest the case. I, therefore, record a No Dispute Award and make no order as to costs.

21-2-1991.

V. N. SHUKLA, Presiding Officer

[No. L-21012/107/87-D-3(B)/D.IV(B)]

का.आ.995—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चाचाय कोलियरी आफ सोहागपुर एरिया एण्ड रून्गा ग्रुप ऑफ माइन्स ऑफ ई.सी.एल. पोस्ट-चाचाय कोलियरी के प्रबंधन में संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-3-91 को प्राप्त हुआ था।

S.O. 995.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chachai Colliery of Sohagpur Area & Rungta Group of Mines of S.E.C.L. Post Chachai Colliery and their workmen, which was received by the Central Government on the 13th March, 1991.

#### ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—  
CUM-LABOUR COURT, JABALPUR (M.P.)

CASE NO. CGIT/LC(R)(91)/1988

#### PARTIES :

Employers in relation to the management of (Chachai Colliery of Sohagpur Area & Rungta Group of Mines of S.E.C.L. Post Chachai Colliery (Amlai) District Shahdol (M.P.).

AND

Their workmen, represented through the R.K.K.M.S., Sohagpur Area Branch, P.O. Dhanpuri, District Shahdol (M.P.).

#### APPEARANCES :

For workmen—None.

For Management—Shri R. Menon, Advocate.

INDUSTRY : Coal Mine. DISTRICT : Shahdol (M.P.)

#### AWARD

Dated : February 21, 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-21011/7/88-D.III(B) dated 18th August, 1988, for adjudication of the following dispute :—

"Whether the action of the management of Chachai Colliery of Sohagpur Area of SEC Ltd. in terminating the services of their workmen namely S/Shri Jagnath, Trammer, T. No. 628; Sambhoo, Timberman, T. No. 313, Ramlal, Tub-Loader, T. No. 1067; Kishan, Casual, T. No. 765; Jahanlal, BTL, T. No. 1313; Abdul Wahab, BTL, T. No. 2306; Belloo, Gen. Mazdoor, T. No. 708; Meelchand, BTL, T. No. 1278; Soncharan, Loader, T. No. 925; Chamroo, TR/PR, T. No. 1408; Kuriman, Loader, T. No. 1113; Sadaram, Loader, T. No. , Ramkripal, Gen. Mazdoor, T. No. 792; Kanhaiya, TR/PR, T. No. 2097; and Votedas, BTL, T. No. 3408 vide their letter Nos. WCL/Supdt(M)/MGR/CUGM/83/75/1541 dated 28th November, 1983 and WCL/Supdt(M)/MGR/CUGM/83/75/1578 dated 12th December, 1983 is legal and justified. If not, to what relief the workmen are entitled and from what date?"

2. Reference in this case was registered on 23rd August, 1988 and parties were noticed to file their respective statement of claims completed with relevant documents, list of reliance & witness. None appeared on behalf of the workmen on 26th September, 1988, 1st November, 1988. On 21st December, 1988 and 17th January, 1989 one Balgovind Pandey appeared on behalf of the workmen and sought adjournment for filing statement of claim. On 15th February, 1989 again Shri Balgovind Pandey appeared on behalf of the workmen and filed statement of claim. Thereafter from 13th March, 1989 till 21st February, 1991 none appeared on behalf of the



workmen/union to participate in the proceedings and repeated adjournments were granted.

3. It appears from the proceedings dated 13th March, 1989 that Shri Balgovind Pandey was authorised by the President, RKKMS BMS which is not the sponsoring Union. There fore notice was issued to the President RKKMS Sohagpur Area Branch, Dhanpuri to file the statement of claim on behalf of the workmen/Union. This Union (RKKMS) also filed to put appearance from 11th April, 1989 to 21st February, 1991. Management had filed its written statement on 11th September, 1990.

4. From the above facts and circumstances it appears that the workmen have no interest in contesting their case. I. therefore, record a No Dispute Award and pass no order as to costs.

21-2-91.

V. N. SHUKLA, Presiding Officer  
[No. L-21011/7/88-D.III(B)/D.IV(B)]

का.अ. 996—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेवेली लिग्नाइट कार्पोरेशन लि., नेवेली-1 के प्रबंधन से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मद्रास के पंचपद को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-3-91 को प्राप्त हुआ था।

S.O. 996.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Neyveli Lignite Corporation Ltd., Neyveli-1 and their workmen, which was received by the Central Government on the 13th March, 1991.

#### ANNEXURE

#### BEFORE THE INDUSTRIAL TRIBUNAL, TAMILNADU, MADRAS

Monday, the 28th day of January, 1991

PRESENT :

Thiru M. Gopalaswamy, B.Sc., B.L., Industrial Tribunal.

Industrial Dispute No. 22 of 1985

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of Neyveli Lignite Corporation Limited, Neyveli-1)

#### BETWEEN

The Workmen represented by The General Secretary, Neyveli Lignite Corporation Labour & Staff Union (CITU), Behind Central Bus Stand, Block 24, Neyveli-607801.

#### AND

The Chairman & Managing Director,  
Neyveli Lignite Corporation Ltd.,  
Neyveli-607801.

#### REFERENCE :

Order No. L-19012(53)/84-D, IV(B), dated 20th April, 1985 of Ministry of Labour, Government of India.

This dispute coming on for final hearing on Monday, the 7th day of January, 1991 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Tvl. S. Ayyadurai & R. Rajaram, Advocates appearing for the workman and of Tvl. K. Tamizh Mani and Miss Satya Rao, Advocates for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following :—

#### AWARD

This dispute between the workmen and the Management of Neyveli Lignite Corporation Limited, Neyveli arises out of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India in its Order No. L-19012(53)/84-D, IV(B), dated 20th April, 1985 of the Ministry of Labour, for adjudication of the following issue :

"Whether the action of the Management of Neyveli Lignite Corporation Limited, Neyveli in denying Shri K. Murugaiyan, Operator Grade-I, the advancement and scale of pay of Operator Special Grade with effect from 1st January, 1981 is justified? If not, to what relief the workman is entitled?"

(2) The allegations in the claim statement are :—

Worker—Murugaiyan having driving licence issued in 1961 with an endorsement in heavy motor vehicle (Tractor Trailer) was working as Operator Grade-I from 1st January, 1974. He was earlier appointed Operator Grade-II on 21st June, 1962.

He is eligible to be promoted as Operator Special Grade from 1st January, 1981 onwards, and has the necessary experience and qualifications. The Motor Vehicles Act was amended with effect from 26th December, 1978 classifying driving licences into 4 categories. 2 of them are Heavy Goods Vehicle endorsement and Heavy Passenger Motor Vehicle endorsement. The respondent Corporation has written to the Transport Commissioner, Madras on 20th September, 1980 and 17th December, 1981 seeking clarification as to the kinds of endorsements which have to be got by the drivers working under them and to suggest the way in which the respondent Corporation can shift the drivers of the same grade and pay from Goods Vehicle to Passenger Vehicle and vice versa for the sake of efficiency convenience. The Transport Commissioner issued his clarification dated 21st March, 1981 making the matters clear and explained how driving licences with endorsement issued prior to 26th December, 1978, that is, the amendment should be dealt with. Under these clarifications, the respondent ought to have appointed the worker Murugaiyan, as Operator Special Grade from 1st January, 1981 in implementing the job advancement scheme. This worker has been illegally denied promotion, higher emoluments and benefits. However, to comply with the persistent and irrelevant demand of the respondent, the worker actually got an endorsement for Heavy Goods Vehicle on 9th August, 1982 and he also got promotion with effect from the date. Denial of promotion even on 1st January, 1981 is unjust and therefore an award may be passed directing the respondent to advance the worker Murugaiyan to the post of Special Grade Operator w.e.f. 1st January, 1991.

(3) The Counter allegations are as follows :—

The contentions raised by the petitioner on behalf of the Driver-Murugaiyan are untenable. The driver-Murugaiyan was having a licence got prior to the amendment of the law with an endorsement Heavy Motor vehicle (Tractor Trailer). The respondent had a doubt whether such a licence can be held to be sufficient qualification to drive the other types of Heavy vehicles and also Heavy Passenger Motor vehicles. The respondent Corporation is bound to use the same set of drivers for both Heavy Goods vehicles and Heavy Passenger Motor vehicles. Hence the respondent sought for clarifications from the Transport Commissioner. The respondent was advised by R.T.O. Cuddalore that a driving licence with endorsement of Heavy Goods Vehicle or Heavy Motor vehicle without the addition of the words "Tractor with Trailer" is necessary for enabling the driver to get promotion. The other types of Heavy vehicles belonging to Respondent are "Cranes, Docks, Dumpers etc.". The respondent therefore called upon the worker-Murugaiyan by letter dated 20th October, 1981 to obtain a suitable endorsement in his licence, so that he can be promoted to the higher post. But the worker did not do it. However, when the respondent again insisted by a letter dated 4th September, 1982, the driver-Murugaiyan obtained a suitable endorsement and then he got his promotion. He did not have the necessary the driving licence with suitable endorsement as on 1st January, 1981 and therefore, he was not qualified to be promoted as Operator Special Grade on 1st January, 1981. In addition to having a correct

licence, the driver should pass necessary tests before getting his promotion. It follows that the petitioner was not qualified as on 1st January, 1981, for promotion. Hence this dispute is liable to be dismissed.

(4) Points for determination are.—

(i) Whether the action of the management of Neyveli Lignite Corporation Limited, Neyveli in denying Shri K. Murugaiyan Operator Grade-I, the advancement and scale of pay of Operator Special Grade with effect from 1st January, 1981 is justified?

(ii) If not, to what relief the workman is entitled?

(5) On both sides no oral evidence was given. Exs. W-1 to W-15 and Exs. M-1 to M-4 were marked by consent. It is common ground that an amendment to Motor Vehicles Act taking effect from 27th December, 1978 has introduced four types of driving licences with 4 different endorsements (different skills) prescribed. These 4 kinds are (1) Medium Passenger Motor Vehicle, (2) Medium Goods vehicle, (3) Heavy Passenger Motor Vehicle and (4) Heavy Goods Vehicle. Prior to this amendment and upto 26th December, 1978 only 2 kinds of licences having Medium Motor Vehicles endorsement and Heavy Motor Vehicles endorsement were being issued. The worker Murugaiyan has been employed as Crane Operator (Driver) in the Neyveli Lignite Corporation from 1962. His driving licence has endorsements namely, Light Motor Vehicles (Tractor) and Heavy Motor Vehicles (Tractor with Trailer). This has been issued in 1961 and 1964. The endorsement on which the respondent insisted is Heavy Goods vehicle which the worker did get only on 9th August, 1982. He refuse to get such an endorsement earlier i.e. on and before 1st January, 1981, the date on which promotion is claimed. The entire dispute centres round the correct interpretation of Ex. M-2. The relevant clarification shown as clauses, (i) to (iii) are found in Page 12 of Ex. M-1 to M-4 typed set. They make it very clear that a driver in whose licence issued prior to 26th December, 1978, there is an endorsements for Heavy Goods vehicles or Heavy Passenger vehicles is eligible to drive Heavy Goods vehicle and also Heavy passenger vehicle even after 26th December, 1978 and there is no necessity for such a driver to obtain fresh endorsements introduced by the amended law. Clauses (i) to (iii) makes it obvious that a driver can at his option obtain any one of the 4 new endorsements. This does not mean that the driver is bound to obtain such a new endorsement. He can do so only if he wants. Clause (i) means, that he is not bound to obtain any such new endorsements and that for all purposes, he can rely upon the earlier endorsement for Heavy Goods vehicle or Heavy passenger vehicle and be eligible to drive both types of Heavy Vehicles without seeking fresh endorsements and claim promotions too. This driver is having an endorsement in the licence i.e., Heavy Motor Vehicle (Tractor Trailer). The addition of the words "Tractor Trailer" does not mean that it is a licence in any way different from or inferior to an endorsement Heavy Goods vehicle without the words Tractor Trailer. The respondent has not shown any rule that Heavy Good vehicle are divided into different classes and for each class a separate licence-cum-endorsement is required either before or after the amendment in law on 27th December, 1978. The service certificates issued to the petitioner show that he has been very efficient in his job in Operating Heavy vehicles. In the law as amended from 20th July, 1982, there is no distinction from one type of Heavy vehicle and another type of Heavy vehicle, in the matter of driving skill and tests. I, therefore, hold that the petitioner is qualified even as on 1st January, 1981 for promotion and that the driving licence issued with the endorsements Heavy Motor Vehicles (Tractor Trailer) is adequate licence which gives him eligibility to be promoted as Operator Special Grade with effect from 1st January, 1981 and draw the necessary higher emoluments. I answer the points in favour of the driver. Award will be passed accordingly.

(6) In the result, award is passed directing the respondent to promote the worker K. Murugaiyan to the post of Operator Special Grade with effect from 1st January, 1981 retrospectively and give him all monetary benefits from that date. No costs.

Dated, this 28th day of January, 1991.

THIRU M. GOPALASWAMY, Presiding Officer  
Industrial Tribunal

[No. 1, 19012/53 '84-D.IV(B)]

RAJA LAL, Desk Officer

List of Witnesses and Exhibits in I.D. No. 22/85

WITNESSES EXAMINED

Before & After restoration

For both sides—None.

DOCUMENTS MARKED

Before restoration

For both sides—Nil.

After restoration

For Workmen :

Ex. W-1/22-5-64—Letter from Management to Thiru K. Murugaiyan, Crane Trainee Operator asking him to get Tractor endorsement.

Ex. W-2/10-12-81—Letter from Thiru K. Murugaiyan to the Management requesting promotion under job mobility-cum-time-bound promotion scheme (copy).

Ex. W-3/3-2-82—Circular issued by the management about Motor Vehicles Amendment Act. (copy)

Ex. W-4/22-3-82—Letter from Thiru K. Murugaiyan to the Chief Engineer of the management reminding about his job mobility promotion. (copy)

Ex. W-5/13-7-82—Letter from Thiru K. Murugaiyan to the General Superintendent (Mechanical) of the management regarding promotion under job mobility scheme. (copy)

Ex. W-6/-2-83—Letter from Thiru K. Murugaiyan to the Director/Personnel of the Management regarding promotion under job mobility scheme. (copy)

Ex. W-7/23-4-83—Order of the General Manager, N.L.C. Ltd., Promoting Tvl. S. Subramaniam & 3 others from Grade IV under Time Bound Promotion Scheme. (copy)

Ex. W-8/2-5-83—Order of the General Manager, N.L.C. Ltd., promoting Tvl. K. Chockalingam & 9 others from Grade-IV under Time bound promotion Scheme. (copy)

Ex. W-9/11-3-83—Petition U/s. 2A of the I.D. Act filed by Petitioner—Union before the Conciliation Officer. (copy)

Ex. W-10/19-7-83—Reply to U/s. 2A petition filed by petitioner—Union before the Regional Labour Commissioner (Central) Madras-6. (copy)

Ex. W-11/13-12-83—Letter from Thiru K. Murugaiyan to the Management requesting to consider him for promotion as Special Grade Operator. (copy)

Ex. W-12/22-11-84—Conciliation Failure Report. (copy)  
W-13/2-2-85—Letter from Thiru K. Murugaiyan to the Management requesting to consider his promotion. (copy)

Ex. W-14/2-2-85—Certificate issued by the Management to Thiru K. Murugaiyan regarding his conduct and Character who has worked in the Management Corporation in the years 1964 and 1977. (Xerox copy)

Ex. W-11/2-2-81—Motor Driving Licence issued to Thiru K. Murugaiyan.

For Management :

Ex. M-1/2-2-77—Xerox copy of Job Mobility-cum-Time Bound Advancement Scheme.

M-2/2-2-77—Correspondence between Management and the Transport Commissioner, Madras-1. (copy)

Ex. M-3 20-10-81—Memo issued to Thiru K. Murugaiyan by the Management informing that he is not in possession of authorisation for driving Heavy Goods Vehicles. (Xerox copy)

Ex. M-4, 4-8-82—Memo issued to Thiru K. Murugaiyan by the Management denying his request for advancement to higher post. (Xerox copy)

नई दिल्ली, 8 मार्च, 1991

बि.ओ.आ. 997.—अ घोषित दिनांक अधिनियम 1947 (1947 का 14) की धारा 17 के अनुवर्ण में, केन्द्रीय सरकार सारस्वत कापरेटिव बैंक, लि० मुम्बई के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुवर्ण में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं० 1, मुम्बई के पंचवट की प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-91 को गणतन्त्र द्वारा था।

New Delhi, the 8th March, 1991

S.O. 997.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Saraswat-Co-operative Bank Ltd., Bombay and their workmen, which was received by the Central Government on the 8-3-91.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

(Presiding Officer: Justice S. N. Khatri)

Reference No. CGIT-55 of 1989

#### PARTIES:

Employers in relation to the management of Saraswat Co-operative Bank, Bombay.

#### AND

Their workmen.

#### APPEARANCES:

For the Management: Shri A. V. Naik, Personnel Officer.

For the Workmen: Shri A. P. Kulkarni, Advocate.

INDUSTRY: Banking. STATE: Maharashtra.

Bombay, dated the 18th day of February, 1991

#### AWARD

Smt. Neelashree Gajanan Parulekar (for short 'the Workman') joined the employment of the Saraswat Co-operative Bank Limited, Bombay (hereafter 'the Management') as Junior Clerk on 16-2-1970. By their letter dated 25-8-1978, the Management removed her from service after holding a domestic enquiry. She raised an Industrial Dispute, resulting in a reference being made to this Tribunal (CGIT Ref. No. 19 of 1986) challenging the validity of the Order of her removal from service. On 8-4-1987, my learned predecessor Justice Jamdar passed an Award declaring "the action of the management of M/s. Saraswat Co-operative Bank Ltd., Bombay in removing Smt. N. G. Parulekar from service was not justified and the Bank is directed to reinstate the workman forthwith in service and to pay her full back wages from the date of removal till actual reinstatement in service within one month from the publication of the award." The Management challenged the above Award by moving the High Court in their Writ Jurisdiction (W.P. No. 3777 of 1987). It was dismissed in the instance by the learned Single Judge. The Management preferred an intra-Court appeal, which was finally disposed of by a Division Bench at the admission stage itself by an order dated 9-2-1988. The appellate Bench confirmed Justice Jamdar's Award in its entirety, with a small modification relating to back wages. While the original Award had granted full back wages from the date of the Workman's removal from service till her reinstatement, the appellate Court reduced the rate to 50 per cent for a short period 1-5-1982 to 30-9-1984, because it was not perhaps fully satisfied that she had prosecuted the claim with diligence in this period.

2 The Workman was reinstated in service as Junior Clerk in October 1987 and was paid all her wages and other allowances etc., except the benefits of privilege leave, sick leave, casual leave for the period August 1978 to October 1987. So also she has been continued to date as Junior Clerk only, and not fitted in the grade of Senior Clerk, as claimed by her. On the question of fitment, the Division Bench has made the following observations in their Order 9-2-1988:

"We have not gone into the question whether she has been fitted in proper scale and grade. That will have to be checked by the employee or the employees' union and we are sure that if there is any mistake she will be put in at a proper stage."

3. As the Management did not accede to the Workman's request for her proper fitment and award of the benefits of privilege leave etc., she moved the Labour Commissioner. As she did not get a favourable response, she filed Writ Petition No. 1723 of 1989 in the High Court, which directed a fresh reference to be made to this Tribunal 'under section 10 and/or section 36-A' of the Industrial Disputes Act. Pursuant to this Order, the Central Government has passed the following order of reference u/s. 36-A of the Act

"No. L-12012/126/85-DIV(A)/IR(B)-I.—Whereas an Industrial Dispute existing between the employers in relation to the management of Saraswat Co-operative Bank, Bombay and its workman was referred for adjudication to the Central Government Industrial Tribunal-cum-Labour Court No. 1, Bombay and its award was published in Part-II, Section 3, Sub-section (ii) of the Gazette of India dated the 26th September, 1987:

And, whereas, the workmen had filed a writ petition (No. 1723 of 1989) in the High Court of Judicature at Bombay with regard to the interpretation of the said award in respect of the question specified in schedule hereto annexed:

And, whereas, the High Court of Judicature at Bombay has disposed of the said Writ Petition on the 2nd August, 1989 directing the Central Government to refer the case to the C.G.I.T. for necessary interpretation of the Award under Section 36(A), of the Industrial Disputes Act, 1947.

Now, therefore, the Central Government in exercise of powers conferred by Section 36(A) of the I.D. Act, 1947 (14 of 1947) hereby refers the said question to the C.G.I.T. No. 1, Bombay for a decision. The said Tribunal shall submit its award on the said question within a period of three months in accordance with sub-section (2A) of Section 10 of the said Act.

#### SCHEDULE

"Whether the following benefits are admissible to Smt. N. G. Parulekar under the award dated the 8th April, 1987 of the C.G.I.T.-cum-Labour Court No. 1, Bombay in the Ref. No. CGIT-19 of 1986:

- (1) The benefits of privilege leave, sick leave and casual leave for the period from August, 1978 to October, 1987;
- (2) Automatic upgradation to Senior Clerk's Grade which is provided in the Bipartite Agreements of September, 1973 and subsequent agreements."

Sd./-

(Padma Venkatachalam).

Deputy Secretary

4. The Workman's case before me now is that on a true interpretation of the previous Award which has granted her reinstatement with back wages, she is entitled to privilege leave, sick leave and casual leave and fitment in the proper grade in terms of various Bi-partite settlements. She urges that she would have been automatically upgraded to senior

Clerks grade on completion of 10 years service on 16-2-1980, had she not been removed from service. For this particular claim, she relies on clause 7 of a settlement dated 28-9-1973 and subsequent settlements dated 12-4-1980, 24-3-1983 and 12-10-1986. I will have occasion later to refer to the details of these settlements while discussing the relevant issue. She now prays for directions to the Management (a) to give her the benefits of privilege leave, sick leave, and casual leave for the period from August 1978 to October 1987, (b) to fit her in the post of Senior Clerk with effect from 16-2-1980 and (c) to pay her all consequential wages on that basis.

6. The Management by their written statement resist the Workman's claim in toto, and pray for outright rejection of the reference. The parties have not led any oral evidence. They have filed certain documents, all of which have been exhibited by consent. The points that arise for determination are given below with my findings thereon:

Points for Determination	Finding
On a true interpretation of the provisions of the previous award	
1. Is the Workman entitled to Privilege Leave, Sick Leave and Casual leave for the period August 1978 to October 1987?	Yes, as per final para
2. Is she entitled to automatic upgradation to senior Clerk's grade?	Not entitled to automatic upgradation, but entitled to be considered for promotion as per final para.
3. Is the Workman entitled to interest?	No.
4. Relief and costs?	See the final paragraph.

#### REASONS FOR FINDINGS

7. Point No. 1.—Shri Kulkarni for the Workman relies mainly on a decision of Dharmadhikari, J. of our High Court in W.P. No. 4415 of 1983 M/s. Motwani Private Limited Vs. National Union of Commercial Employees, Bombay. Dharmadhikari, J. has reiterated the well recognised principle of Industrial Jurisprudence that where an employee is reinstated in service, it shall be presumed that there is no break whatever in continuity of his service on account of the intervening termination order, and that he is entitled to all privileges, including bonus, privilege leave, casual leave and sick leave, increments, contribution to employees provident fund etc. on the basis that he has been in continuous service all along. Of course, if there are any directions, express or necessarily implied, modifying this general rule, they will have to be given effect to. Dharmadhikari, J. has placed reliance on a Supreme Court decision in Gammon India Limited Vs. Virandra Das in Civil Appeal No. 1741 of 1980 dated 8-12-1983. Ex. W-1 is the previous Award Ex. W-2 is the Order of the Division Bench in W.P. No. 3717 of 1987. On going through them, I do not find any restriction having been placed on the operation of the normal rule. In deed the Division Bench has observed with regard to the Workman's fitment in the proper grade "we have not gone into the question whether she has been fitted in the proper scale and grade. That will have to be checked by the employee or the employee's Union and are sure that if there is any mistake she will be put in at proper stage". It is true that the Court has disallowed 50 per cent of the back wages for the period 1-5-1982 to 30-9-1984, because in its opinion, the Workman was not diligent enough in prosecuting her claim before the conciliation machinery during that period. I do not find anything in the previous award or the judgment of the High Court in appeal, which deprives the workman of her right to claim benefits relating to the aforesaid three kinds of leave and promotion. Accordingly, I hold that she can lay claim to these rights under the previous Award, if she is otherwise entitled to them under the conditions of her service.

8. Shri Naik for the Management stresses that the scheme of grant of privilege leave is such that a Workman cannot

get more than 12 months wages for every calendar year (inclusive of the period of leave). According to him, as the Workman here has admittedly been paid back wages for 12 months in every year, she cannot lay claim to anything more. I do not agree. As it is, under the settlement dated 18-1-1977 and subsequent settlements, she is entitled to encash privilege leave, provided the spell of leave encashed is equal to the spell of leave actually enjoyed. For example, if a Workman takes 15 days privilege leave in a calendar year and encashes 15 days leave, she would receive wages for 12-1/2 months in a calendar year. It is true that there is a ceiling prescribed by the Rules, beyond which privilege leave cannot be accumulated. But then a Workman who is actually in position can always—and in fact in practice always does—so adjust the encashment and enjoyment of leave, that the ceiling is never reached. The Management have obviously deprived the Workman of encashing her privilege leave. I do not think it necessary to dilate further on the point. So far as casual leave and sick leave are concerned, she would be entitled to encash them or get other benefits relating to them, as provided under the relevant Rules, had she been actually working during the relevant period. Accordingly, I hold that the Workman is entitled to privilege leave, sick leave and casual leave for the period, August 1978 to October 1987, as if she was actually in position and further consequential reliefs such as encashment etc. as per Rules.

9. Point No. 2.—The submission of Shri Kulkarni for the Workman is that she is entitled to automatic upgradation to the grade of Senior Clerk on completion of 10 years service in terms of clause 7 of the settlement of 27-9-1973. This clause runs as follows:

#### "NEW CADRE OF SENIOR CLERKS:

- (i) The cadre of Senior Clerks includes the Clerks promoted from the Cadre of Junior Clerks. This cadre also includes Stenographers and Storekeeper.
- (ii) It is agreed between the parties that the strength of Senior Clerks will be 50 (excluding present Stenographers and Storekeeper). It is agreed that all the existing Clerks who have completed ten years of service as on 28-9-1973 shall be directly promoted to the cadre of Senior Clerks.
- (iii) The remaining number of posts will be filled in from the existing clerks on the basis of Seniority-cum-merit and on the recommendation of the Secretary of the Bank.
- (iv) In the event of there being a vacancy or any increase in the number of posts, the same shall be filled in from amongst Junior Clerks on the basis of Seniority-cum-merit. If there is no suitable person available from the Junior Clerks, the Management shall be at liberty to recruit any such person whom they find suitable."

This clause was further modified by subsequent settlements dated 12-4-1980, 24-3-1980 and 12-10-1986 as under:

- (A) 12th April, 1980 settlement (Clause 4 of Schedule 'E') "There will be no recruitment for the post of Senior Clerks".
- (B) 24th March, 1983 settlement (Clause 4 of Schedule 5) "There shall be no external recruitment for the post of Senior Clerks".
- (C) 12th October, 1986 settlement (Clause 6 of Schedule 6) "There shall be no external recruitment or future promotion to the post of Senior Clerks".

10. On a plain reading of clause 7(ii) of 1973 settlement, it is evident that the automatic upgradation is available only to Clerks who had completed 10 years of service as on 28-9-1973. There is no blanket provision, express or by necessary implication, to the effect that every Clerk who completes 10 years of service on any future date will also automatically stand upgraded or promoted as Senior Clerk. So it is not possible for me to accept the proposition of Shri Kulkarni in the broad terms he puts it. I however, see

substance in his submission that when all the provisions extracted supra are read together, they are intended to obligate the Management to fill all the posts of 50 Senior Clerks specially created by clause 7(ii) of the 1973 settlement. The object of creating these new posts was obviously to give relief to the Workmen against stagnation. To work out this object, automatic upgradation was provided for Junior Clerks who had already completed 10 years on 28-9-1973. The number of such eligible employees was 23. Therefore modalities were provided in sub-clauses (iii) and (iv) to make good the filling up of the balance of posts, from amongst Junior Clerks of less than 10 years standing. It was accordingly provided that the balance of posts would be filled up primarily from the existing Clerks on the basis of Seniority-cum-Merit criterion and on recommendation of the Secretary of the Bank. If all the posts could not be filled from Junior Clerks, liberty was given to the Management to go in for direct recruitment. All these provisions point to one objective only—a mandate to the Management to fill all posts of Senior Clerks—in the first instance from Junior Clerks of 10 years standing as on 28-9-1973 by automatic promotion and the rest primarily from Junior Clerks. It is wrong and unfair for the Management to plead that it was left to their sweet will to keep any of these posts unfilled.

11. Shri Naik argues that because all the promotions of Junior Clerks were effected before 29-12-1977, ignoring the claim of some seniors including the present Workman, and because the present adjudication is strictly restricted to the interpretation of the previous Award which covers the period from August 1978 onwards only, this Tribunal will have no jurisdiction to consider the propriety of the Management's action in declining promotion to her prior to August 1978. On the first flush this argument appears to be quite valid. However it does not stand scrutiny on merits. As I have already pointed out, the mandate to the Management under the settlement of 1973 was to ensure filling up of the newly created posts of Senior Clerks. To achieve this objective, modalities were devised consonant with the equities of the Junior Clerks, namely automatic promotion for clerks recruited on or before 28-9-63 and promotion of others of lesser standing on seniority-cum-merit basis with Secretary's recommendation. Even direct recruitment had to be resorted to, if posts of Senior Clerks remained unfilled by promotion of Junior Clerks. It cannot be denied that clauses 7(iii) and (iv) of the 1973 settlement created a right in favour of Junior Clerks (including the present Workman) who had less than 10 years standing as on 28-9-1973 to be considered for promotion as Senior Clerks. This right continued to inhere in the Workman even after her wrongful removal from service in August 1978, right upto 12-10-1986 on which date by fresh settlement, promotion to the post of Senior Clerk was abolished for good. By October 1986 the Workman had attained a good standing of more than 16 years. But for her wrongful termination of service the Management would have been under an obligation to consider her case for promotion throughout the period August 1978—October 1986 in terms of the settlements, notwithstanding that a few of her juniors might have superseded her in December 1977. For these reasons I cannot persuade myself to endorse Shri Naik's submission that the Workman has earned no right whatever under the previous award, relating to the matter of her promotion.

12. There was some debate at the Bar on the implications of seniority-cum-merit concept. According to this yardstick, an incumbent of average proficiency has to be preferred to his juniors, although the latter may be possessing superior proficiency. As against this, where merit-cum-Seniority criterion applies, degree of proficiency is the prime consideration, and a candidate of superior proficiency will normally get priority in promotion over his seniors who are less efficient. It follows that in the case of the present Workman, if she could have fulfilled the test of Seniority-cum-Merit, she would have been entitled to promotion as of right at the proper time even after August 1978. This right stood restored to her, as a necessary consequence of Justice Jamdar's Order, directing her reinstatement with effect from 25-8-1978.

13. Now the question that finally survives before me is whether in these proceedings I can legitimately direct the Management to promote the Workman as Senior Clerk. I

think it will be neither legal nor proper for me to do so. This is not a case of automatic promotion. There are no materials before me to decide on which particular date the Workman would have become eligible for promotion according to Seniority-cum-Merit test. In the circumstances I leave the question to the good sense of the Management, with a direction to grant promotion to the Workman as Senior Clerk from the date they find her suitable for it under clause 7(iii) of the settlement of 1973 on Seniority-cum-Merit basis, as explained by me in para 12 supra. I need hardly mention that the Management will take the decision objectively, totally uninfluenced by the fact that she had been removed from service.

14. I may refer to one more aspect before parting with the case. In the Workman's W.P. No. 1723/89, Daud J. had directed the present reference to be made under "section 10 and/or section 36-A" of the Industrial Disputes Act. As it is, the reference came to be made under section 36A only. Had the High Court's direction been carried out in its entirety, the scope of this reference would have been wider, and I could have finally decided the question of the Workman's promotion also after calling upon the Management to produce her record. This is not open to me here in view of the restricted scope of the reference under section 36A. I hope the Management will do fair justice to the Workman and there will be no occasion for further litigation.

15. Point No. 3—Shri Kulkarni has during arguments requested for interest at 12 per cent p.a. Interest is not made payable under the previous Award. Nor is it claimed in the present statement of claim. I am aware that the appellate Bench of the High Court has allowed interest at 12 per cent p.a. on the Workman's dues. But that direction does not apply to the items of privilege leave, sick leave and casual leave. In the circumstances I am not awarding any interest here. I shall however award Rs. 1500 by way of costs to the Workman, because I think that the Management could have sorted out her demands on a fair basis, without subjecting her to protracted litigation.

16. So here is my Award. On a true interpretation of the previous Award, it is declared that the Workman is entitled to the benefits of privilege leave, sick leave and casual leave for the period from August 1978 to October 1987 and that she is also entitled to be considered for promotion as Senior Clerk on the basis of Seniority-cum-Merit criterion as provided in clause 7(iii) of the settlement of 28-9-1973. The Management shall follow directions given in the body of this Award while determining the question of promotion. The Management shall pay Rs. 1500 as costs to the Workman and bear their own.

S. N. KHATRI, Presiding Officer

[No. I-12012/126/85-DIV(A)]IR(B-D)

नई दिल्ली, 11 मार्च, 1991

का. अ. 998.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, प्रमुख में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अथवा न्यायालय, अर्द्धीयक के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-91 को प्राप्त हुआ था।

New Delhi, the 11th March, 1991

S.O. 998—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-Cum-Labour Court Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 8-3-1991.

## ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, CHANDIGARH

I. D. No. 35/90

R. P. Kapoor

Versus

State Bank of India

For the workman—None.

For the management—Shri P. K. Gupta.

## AWARD

Central Government vide gazette notification No. I-12012/27/89.I.R. (B) dated 16th March, 1990 of the I. D. Act, 1947 referred the following dispute to this Tribunal for decision on a dispute raised by Shri R. P. Kapoor :

"Whether the action of the management of State Bank of India in relation to their Faridabad branch in transferring Shri R. P. Kapoor, Clerk-cum-cashier, from Cash Department to Accounts Department, in which he was getting officiating allowance of Rs. 350 P.M. was just fair and legal? If not to what relief the concerned employee is entitled to and from what date?"

2. On receipt of the reference the notice was issued to the workman but he did not respond and did not put up appearance. Repeated registered letters were issued to him but the workman did not appear. Thus the reference is returned for want of prosecution.

Chandigarh,

Dated : 20-2-1991

ARVIND KUMAR, Presiding Officer

[No. I-12012/271/89-IR (B) III]

नई दिल्ली, 13 मार्च, 1991

का.आ. 999:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय रिजर्व बैंक, बम्बई के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक आधकरण, नं. 1, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-3-91 को प्राप्त हुआ था।

New Delhi, the 13th March, 1991

S.O. 999.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1 Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Reserve Bank of India, Bombay and their workmen which was received by the Central Government on 13-3-1991.

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL NO. 1, BOMBAY

(Presiding Officer : Justice S. N. Khatri)

Reference No. CGIT-9 of 1990

## PARTIES :

Employers in relation to the Management of Reserve  
Bank of India Bombay

## AND

Their Workmen

Complaint No. CGIT-1 of 1990

(Arising out of Ref No CGIT-9 of 1990)

## PARTIES :

General Secretary, All India Reserve Bank Workers'  
Organisation, Nagpur Complainant

Vs

Governor, Reserve Bank of India, Central Office,  
Bombay Opponent

Reference No. CGIT-9 of 1990

## APPEARANCES :

For the Management—Shri Rele, Advocate.

For the Federation—Shri Gadkari, Advocate.

For the Organisation—Shri Dharmadhikari, Advocate.

Complaint No. CGIT-1 of 1990

(Arising out of Ref. No. CGIT-9 of 1990)

For the Complainant—Shri Deshpande.

Representative of the Union

For the Opponent—Shri Rele, Advocate.

INDUSTRY : Banking

STATE : Jammu and  
Maharashtra

Bombay, the 28th February, 1991

## AWARD

This governs CGIT Ref. No. 9 of 1990 and complaint No. CGIT 1 of 1990. The Central Government has referred the following Industrial Dispute to this Tribunal under Section 10 of the Industrial Disputes Act (for short, 'the Central Act') by their Order dated 22-1-90.

(i) "Whether the action of the management of the Reserve Bank of India in not inviting the Reserve Bank Workers' Organisation (NOBW) and All India Reserve Bank Employees' Federation (AIRBEF) for discussions over Charter of Demands regarding wage revision is justified and if not to what relief the concerned workman are entitled?"

(ii) "Whether the settlement on wage revision arrived at between the management of Reserve Bank of India and the All India Reserve Bank Employees' Association on 29-3-1989 in respect of Class-III Employees is binding on all the parties to the dispute under Section 18 of the Industrial Disputes Act, 1947".

The complaint is preferred by the General Secretary of All India Reserve Bank Workers' Organisation, Nagpur under section 33-A of the Act on the allegation that the Reserve Bank of India (hereafter 'the Bank'), have contravened the provisions of Section 33 by holding two meetings with the All India Reserve Bank Employees Association on 2nd and 3rd May, 1990 during the pendency of the aforesaid Reference.

2. The All India Reserve Bank Workers' Organisation (for short, 'the Organisation') is a Federation of various registered Trade Unions, which derive their membership from amongst Class-III Workmen employed in the Bank at various centres. The All India Reserve Bank Employees' Federation (hereafter, 'the Federation') and the Reserve Bank Employees' Association (for short, 'the Association') are other two Unions who have members from amongst the Class-III employees of the Bank. The Federation and the Organisation are parties to this reference, but not the Association. The case of the Organisation and the Federation as reflected in their statements of claim is that the Bank has since 1935-36 wrongly recognised the Association as the sole authorised representative of Class-III employees, although the Association has not accepted the Code of Discipline as formulated in the India Labour Conferences held in 1957 and 1958. According to them the Bank deliberately ignores the Organisation and the Federation, by refusing to call them for negotiations over their Charter of Demands regarding wage revision and other matters. They allege that this action of the Bank amounts to an unfair labour practice within the meaning of item 2(b) of Part-I of

Schedule V to the Central Act. Their grievance is that the Bank has entered into a settlement with the Association on 29th August, 1989 ignoring the right of the Organisation and the Federation to participate in the negotiations. They now pray for a direction to the Bank to invite them for discussions over their Charters of Demands and also a declaration that the settlement dated 29th August, 1989 is not binding on their members.

3. The Bank resists the claim of the Organisation and Federation mainly on three grounds. In the first place, it pleads that in W.P. No. 2002 of 84 filed by the Organisation against the Bank in the High Court of Bombay (Nagpur Bench), the Court has answered both the aforesaid issues against the Organisation and Federation by its judgement dated 15-12-88. This renders the present reference bad in law and the Tribunal has no power to pass any Award. The Bank's second contention is that the Association, against whom the Organisation and Federation have grievance, is a necessary party to this reference. The last submission is that the Bank has recognised the Association as the Sole Representative Union of Class III Employees for holding negotiations right since 1935-36, as it has the largest membership amongst Class III employees. Indeed the stand of the Bank is that under the Law, it is not bound to negotiate with any Union, much less Unions who do not have majority. So far as the settlement is concerned, it concedes that under section 18(1) of the Central Act, it will be binding only on the members of the Association.

4. It appears that during the pendency of this reference, The Bank held further meetings with the Association on the 2nd and 3rd May 1990. The Organisation therefore, have filed a complaint under section 33-A of the Central Act on 25th May 1990, alleging that this amounts to a breach of the provisions of the section 33. They seek a declaration that the negotiations held on the two aforesaid dates and the decisions reached there at are illegal, and that the action of the Bank amounts to an unfair labour practice within the meaning of section 2(ra) of the Central Act.

5. The Bank resists the application as not maintainable in law and also because it has no merits. The points for determination are given below with my findings thereon :

Points	Findings
1. Is the reference not maintainable in view of the decision of the Nagpur Bench of the Bombay High Court in W.P. No. 2002 of 1984 ?	It is maintainable.
2. Is the Association a necessary party to this reference ?	No.
3. Whether the settlement dated 29/08/89 on wage revision arrived at between the Bank and the Association is binding on the Organisation and the Federation ?	It is not binding on either of them.
4. Whether the action of the Bank in not inviting the Organisation and Federation for negotiations over the Charter of Demands, justified ?	Not justified.
5. Does the action of the Bank in holding meetings on 2nd and 3rd May 1990 amount to breach of section 33 of the Central Act ?	No
6. What Orders be made on the application of the Office Bearers of the Organisation and the Federation regarding their T.A. and D.A. ?	See para 23.
7. What relief and Costs ?	As per last para.

#### Reasons for Findings

6. Point No. 1.—There is no substance in the contention of the Bank that the questions referred to this Tribunal are concluded by the decision of the Nagpur Bench of our High Court (Dhabe and Desai JJ.) in Writ Petition No. 2002 of 84. The Bank has filed a copy of this Judgement as Annexure-A to its written statement dated 16-4-1990. The Organisation had filed this Writ Petition against the Bank, the Association and the Union of India under Article 226 of the

Constitution for a Writ, prohibiting the Bank from carrying on negotiations with the Association alone and directing it to allow the Organisation to participate in the talks. It is true that the High Court dismissed this petition. But a perusal of para 8 will show that in its view, "the unfair labour practices enumerated in the fifth Schedule of the Act on the part of the employers, workmen and the trade unions are not such duties or obligations which can be enforced by a writ of mandamus under Article 226 of the Constitution of India, particularly when as pointed out above it is open to the other Union including a minority Union to raise an industrial dispute in regard to the same matter." It has again stressed in para 10 of its judgement that the Writ Petition involved factual aspects upon which the legal determination, depended and "all these aspects cannot be gone into in a Writ Petition under article 226 of the constitution." Finally in para 12 the Court has taken pains to declare that "our decision shall not affect the remedy of the petitioner (Organisation) to move any other forum for redressal of its grievance". It is thus clear that the High Court has left open the question and dismissed the Writ Petition on the ground that it was not a fit case for exercise of its jurisdiction under article 226. Without dilating further, I hold that the aforesaid decision of the High Court is not a bar to this reference.

7. Although in its principal pleadings, the Bank has not challenged the reference as bad for the reason that the question referred to is not an 'industrial dispute' as defined in Section 2(k) of the Central Act, it has raised this technical objection in its written arguments submitted on 31-7-1990. The objection obviously does not apply to the second part of the reference, relating to the binding nature of the settlement dated 29-8-89 on the Organisation and the Federation. Even so far as the propriety of its refusal to associate the Organisation and the Federation with the negotiations is concerned, I think the objection is not well founded. The term 'Industrial Dispute' is not to be given a narrow technical construction. The issue raised is directly and vitally connected with the employment of a substantial number of Workmen. It is clearly an Industrial Dispute, as defined in Section 2(k) of the Central Act. This objection accordingly stands rejected.

8. Point No. 2.—The Association has not come before the Tribunal with a request to join them as a party to this reference. The Organisation has no objection even if the Association were impleaded as a party. However I do not see any useful purpose in doing so, because the Organisation and/or the Federation do not wish to supplant the Association from the Negotiating table. They only press that they may also be associated in the negotiations along with the Association. The validity of the settlement is also not challenged, so far as it stands between the Bank and the Association. Resultantly I hold that the Association is not a necessary party to this reference.

9. Point No. 3.—It is not disputed that the settlement was reached by mutual negotiations between the Bank and the Association without resort to the conciliation machinery. It will therefore be binding on the Bank and the Association only under Section 18(1) of the Central Act. It will not be binding on the Organisation and the Federation, unless they voluntarily accept it. I hold accordingly.

10. Point No. 4.—The parties have not led any oral evidence. They have filed documents, all of which have been exhibited by consent. S/Shri Rele, Gadkari and Dharmadhikari have argued the respective cases of the Bank, the Federation and the Organisation. According to S/Shri Gadkari and Dharmadhikari, it is grossly unfair on the part of the Bank to insist on not associating them in the negotiations, particularly when they both and the Bank have accepted the Code of Discipline, while the Association has consciously rejected the same. They urge that this action of the Bank amounts to an unfair labour practice as mentioned in item 2(b) of Part-I of the Vth Schedule to the Central Act. This item is :

"To dominate, interfere with or contribute support, financial or otherwise, to any trade union, that is to say :—

(a) an employer taking an active interest in organising a trade union of his workmen ; and



- (b) an employer showing partiality or granting favour to one or several trade unions attempting to organise his workmen or to its members, where such a trade union."

They principally rely on a ruling of our High Court reported in 1986 LIC 253 Maharashtra State Road Transport Corporation Bombay Vs. Maharashtra Motor Kanjar Federation (a D.B. decision by Patel and Deshpande JJ.), and certain observations of Justice Dighe (Rtd.) in paras 32 and 33 of NIT Award No. 1/79.

11. As against this, Shri Relo for the Bank contends that there is no illegality or even impropriety in its refusal to call the Organisation and the Federation to the Negotiation table. He has invited my attention to the decision of our High Court in W.P. 2002/84 and a decision of the Andhra Pradesh High Court where it is held that the Code of Discipline after all has no statutory effect and its acceptance or rejection is purely an act of individual volition of an employer or the Trade Unions. Undertakings flowing thereunder are not enforceable at law. Apart from this legal position, Shri Relo contends, even the current thinking in industrial jurisprudence is to encourage collective bargaining on the basis of 'One Industry, One Union' principle and discourage multi-union negotiations. He has drawn my attention in this regard to the Recommendations of Naik Committee, and incorporation of these recommendations in the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practice Act, 1971 (hereafter 'Maharashtra Act'). He further adds that the Bank cannot be legitimately charged of any unfair labour practice, inasmuch as the Association which has enjoyed majority membership of Class III employees has been recognised by the Bank right since 1935-36.

12. One can have no quarrel with Shri Relo's submission that the Naik Committee had indeed recommended collective bargaining based on "One Industry, One Union" principle. The principle is adopted by the Maharashtra Act which enacts detailed provisions on the recognition of Unions in Chapter III and on their Obligations and Rights in Chapter IV. I have taken note of section 20(2) of the Act which gives a recognised Union the exclusive right to appoint its nominees to represent the Workmen on Works Committee and also exclusive right to represent a employee in any proceeding under the Central Act, subject to certain limited exceptions. I am conscious of the position that the constitutional validity of Section 20(2) *ibid* has been upheld by the Supreme Court and further that although the Maharashtra Act does not apply to the Industries in respect of which the Central Government is the appropriate Government, yet under the provisions as at present obtaining even in the Central Act, there is no legal obligation on an employer to call all or any Trade Unions of Workmen for consultations. I appreciate that viewed from this grossly technical legalistic angle, an employer may adopt an 'I care two hoots' approach and compel to Workmen to approach the Conciliation Machinery and finally get the dispute referred to the adjudication machinery under Section 10 of the Central Act by persuading the Central Government to do so. But as I see, my duty in this reference is not to demit the adjudicatory exercise to strictly legalistic technical confines only, but to take a realistic comprehensive vision of all the material circumstances, and after balancing all pros and cons, evolve on a fair and just basis, a course that would be most conducive to the promotion of Industrial Peace.

13. Now what are the relevant circumstances pro and con? In the first place, I do not think the principle of one industry, one Union recommended by the Naik Committee as far back as 1968, holds the ground as firmly today, as it did initially. I have in mind the Industrial Relations Bill (Bill No. XXIV/88), as introduced in the Rajya Sabha on 13-5-88. While recognising that the Trade Union movement is weakened by multiplicity of small fragmented Unions, the Bill has not recognised the principle of 'One Industry, One Union' in its entirety and in fact has sufficiently diluted it. It will be educative to refer to paras 7, 8 and 9 of the Statement of objects and reasons of the Bill in this regard. It will be seen that mushroom growth of Trade Unions is sought to be checked at the threshold by prescribing membership of a minimum of 10% of the Workers as a condition of eligibility for registration. Once this initial

check is provided at the bottom rung, the further idea appears to make the negotiating machinery reasonably broad-based. What is contemplated by clause 26 of the Bill is not a single Representative Union for the purpose of representing all employees (as provided in the Maharashtra Act), but a 'bargaining Council' consisting of multiple unions (called bargaining Agents). It is pertinent to note that these unions will be represented on the council in proportion to their relative strength of membership. I am aware that this Bill has not yet become the Law—and the probability of its never attaining that status also cannot be ruled out with absolute certainty. What I am driving at is to stress that it is too late in the day to claim that the principle of 'One Unit/Industry, One Union' holds the ground firmly today.

14. Another small but significant aspect related to the above Bill. Although the Central Act does not obligate an employer to go in for negotiation as a precursor to the conciliation process, the Bill does contemplate bipartite discussions between the employer and the Employees as a requisite step to their resorting to direct action. Clause 45 of the Bill contemplated amendment of section 23 of the Central Act, by adding sub-clause (a) to section 23(1) to the effect that no Workman would be entitled to go on strike, unless discussions between the bargaining council and the Employer, have resulted in failure emphasis supplied. The importance of negotiations is stressed in the Code of Discipline as well. I do not wish to go into the details of the Scheme of the Bill. What I desire to stress is that the concept of collective bargaining as contemplated in the Bill is substantially different from the concept visualising the principle 'One Industry, One Union' as its base. While multiple representation has certainly some disadvantages, it has also its compensatory aspects, if the bargaining agency has a reasonably broad representative base. It cannot be denied that democratisation has of late become a universal phenomenon and it cannot be denied to the Labour field also. If proper checks and balances are provided, a bargaining agency consisting of multiple unions may in actual practice prove more conducive to the promotion of Industrial Peace than a single Union, representing a bare numerical simple majority. I leave this aspect here.

15. Now what is the position under the Code of Discipline? True, it does not have statutory force and has its foundation in voluntary acceptance of it by the Employer and Employees' Unions. Here it is an admitted position that the Bank, the Organisation and the Federation have accepted the Code, the Association has consciously rejected it. Criterion 8 for recognition of Unions as provided in the Code, expressly prohibits recognition of a Union by the Employer, which does not observe the Code. Indeed the Bank was not well advised in continuing to recognise the Association in spite of its refusal to observe the Code of Discipline. Its action in this regard also does not appear to be in consonance with the advice given by the Central Government under their letter dated 8-11-1983 (Annexure 3 to the Organisations' statement of Claim). It is further pertinent to note that under the Code both the Managements and the Unions who accept *teh same*, confirm their faith in democratic principles and bind themselves to settle all disputes by negotiations (emphasis supplied), conciliation and voluntary arbitration and to avoid litigation. Although the Code adopts the expedient of recognising only one union with the largest membership, it does leave the option of negotiations open even to minority. All this points to one inference—that is, Industrial Relations Management by consensus.

16. Shri Relo makes a grievance that it will be practically impossible to run the administration, if they are compelled to consult each and every Union. I am afraid the learned counsel is visualising too extreme a situation, which would be pretty rare in actual life. In any meaningful human endeavour one has to adjure extreme positions and choose a middle path of sweet reasonableness. The Bank has accepted the Code of Discipline. It prescribes procedure for recognition of Union. If the Bank is really serious in advancing the submission that it would be difficult for it to deal with multiple Unions, it could go in for the procedure prescribed by the Code. That would certainly be a more fair, practical and business-like approach than continuing to have negotiations with a Union which has not even cared to accept the Code. I do not see my merit in Shri Relo's objection.



17. Here I pause a little to consider the plea of the Organisation and the Federation that the Bank has committed the unfair labour practice of showing favour to the Association which is not a recognised Trade Union; vide item 2(b) of Part I of the V Schedule to the Central Act. Shri Rele has a two-fold answer. According to him, the Association is a recognised Union within the meaning of the above item, as the Bank has all along treated it as such since 1935-36 and that it has majority of membership of Class III employees. I cannot persuade myself to endorse either of these pleas. In my humble opinion, the very purpose of item No. 2(b) would stand completely defeated, if the Management, particularly a State Functionary like the Bank in the present case, is given the arbitrary liberty to choose any one of the Unions for exclusively carrying negotiations with it. In my judgement, the recognised Union contemplated by item 2(b) has to be a Union recognised as such either in accordance with the procedure prescribed by law in the Maharashtra Act or in absence of any such law, in accordance with the procedure provided by the Code of Discipline or any other similar arrangement agreed to by the parties concerned. So far as the second branch of the argument is concerned, the Bank has not placed any materials before me to support their plea that the Association commands majority amongst Class III employees. Even assuming this to be true, section 8 for recognition of the Unions (as incorporated in the Code) renders the Association ineligible for recognition. There is thus no substance in Shri Rele's submission that the Association is a validly recognised Union.

18. In view of the above position the grievance of the Organisation that the Bank has committed an unfair labour practice as contemplated by item 2(b) *ibid* cannot be dismissed readily as being totally devoid of substance. All the same, I am not giving a firm finding on this aspect, because even on the assumption that the Bank is innocent of this practice, its action to exclude the Federation and the Organisation from the negotiating table must otherwise be held to be unjust and unfair.

19. Taking into consideration the totality of circumstances referred to above, I am clear that the view of the Bank is too legalistic to be commended and that its action to exclude the Federation and the Organisation from the negotiating table is detrimental to the promotion of industrial peace and harmony. As such it cannot be endorsed as just or fair; nor do I find it supportable by principles of sound business Management. To say the least, I find their approach too right and outmoded. A vital State functionary that the Bank is, it should naturally strive to be a model employer by promoting industrial peace by realistic means. It is obvious that it should invite the Federation and the Organisation also for participation in the negotiations on their charter of demands. This practice it is direct to observe in future also. Of course the Bank as well as the Unions who accept the Code of Discipline will have the liberty to initiate proceedings under the Code of Discipline for recognition of any particular Union, if they so desire.

20. Point 5.—It is settled law that a complaint under section 33-A is maintainable only when amongst other things, the following conditions are also established by the complainant :

- (a) The alleged alteration of the conditions of service, is in regard to a matter connected with the pending industrial dispute, and
- (b) the said alteration is to the prejudice of the Workman.

21. In the present matter, both these elements are conspicuously absent. What is the subject matter of the dispute pending before me? It is whether the Bank should, or should not, invite the Federation and the Organisation for discussion of their demands. Now in the first place it is not a condition of service of any Workmen that the Union of which they are members or any other particular union must be called for discussions. Then there is no material even to suggest that in the meetings dated 2nd and 3rd May, 1990, any decisions were taken in this regard. The Administration Circular No. 12 dated 2nd June 1990 filed by the Bank and the Association's Circular No. 30 dated 11th May, 1990 filed

by the Organisation in the complaint proceedings show that liberalisation was made in the House Loan Rules, distinctly advantageous to the Workmen, as a result of the negotiations in the two meetings complained of. This alteration in service conditions cannot be dubbed as prejudicial to the workmen. It follows that neither of the two sine qua non adverted to above for attraction of the breach contemplated by section 33 of the Central Act has taken place in the present case. This complaint is for these reasons not maintainable and will have to be dismissed, without any Orders as to costs.

22. Point 6.—The Federation have preferred an application dated 29-3-90 for directions to the Bank to treat office bearers of their Union and other Workers' Union as on duty during the period they are required to attend the proceedings before the Tribunal, and pay L.A./D.A. for their absence from the Head Quarters. The Bank oppose the application and relies on a decision of the Supreme Court reported in 1957ILLJ 225 Punjab National Bank Vs. Industrial Tribunal, Delhi. It is true that in the aforesaid case the Supreme Court has held that the amplitude of section 11(7) of the Central Act is not wide enough to include costs, payable in advance before the conclusion of a proceeding or an interim application therein or costs which are yet to be incurred in future. This ruling does not apply to the final stage—now reached when I am disposing of the reference for good on merits. I think at this final stage, I can make just and fair Orders regarding payment of costs of the reference.

23. It is to be appreciated that the Federation and the Organisation had a good and legitimate stake in prosecuting the present reference. They have also succeeded substantially on merits. Even on the broad considerations relevant to the promotion of industrial peace, I think the prayer of the Workmen is quite reasonable. They cannot be expected to prosecute their claims effectively, unless at least two office bearers attend the Tribunal in person, in order to instruct and otherwise assist their counsel. Accordingly I direct that as part of the costs payable to the Workmen, the Bank shall pay to two representatives each for the Organisation and the Federation (i) their wages for the days of absence from their respective places of work for attending the hearings of the Tribunal and (ii) the L.A./D.A. for travel undertaken by them. The period of absence will, apart from the dates of the fixture of the reference before the Tribunal include time taken in journey plus 24 hours more, ordinarily required for holding pre-hearing conferences with their Advocates. This Order of costs will operate for the reference only. It will not apply to the proceedings under section 33-A, because the Workmen have not succeeded there and they were not required to incur separate expenditure, inasmuch as common dates were fixed for the reference and the complaint.

24. The complaint under section 33-A of the Industrial Disputes Act is dismissed, as not maintainable. There will be no Orders as to costs therefore. So far as the reference is concerned, it is declared that the settlement dated 29-8-1989 is not binding on the Workmen belonging to the A.I.R.B.W. Organisation and A.I.R.B.E. Federation. It is further declared that the action of the Management of the Reserve Bank of India in not inviting the Organisation and the Federation for discussions of their Charter of Demands is not justified. The Management are directed to give up this practice and call these Unions also for discussion of their demands. The Management shall bear their own costs of the reference, and also carry out the directions as given in para 23 *supra*, so far as the Costs of the Organisation and the Federation are concerned. These two Unions will bear the rest of their costs as incurred. Award accordingly.

S. N. KHATRI, Presiding Officer

[No. L-12012/57/89-IR (Bank-I)]

S. C. SHARMA, Desk Officer

नई दिल्ली, 11 मार्च, 1991

का.आ. 1000— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऐश्विन्युनिकेशन डिस्ट्रिक्ट इंजीनियर, रोहताक के प्रबन्धन के संबंध निवोधकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपद को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-91 को प्राप्त हुआ था।

New Delhi, the 11th March, 1991

S.O. 1000.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecommunication Distt. Engg., Rohtak and their workmen, which was received by the Central Government on 8th March, 1991.

#### ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, CHANDIGARH

I.D. 76/89

Azad Singh

Vs.

Telecommunication Distt. Engg., Rohtak

For the workman—H. C. Dhankar.

For the management—Arun Walia.

#### AWARD

Central Government vide Gazette notification No. L-40012/65/38-D-2(B) dated 2nd May, 1989 issued U/s. 10(1)(d) of the I.D. Act, 1947 referred the following dispute to this Tribunal for decision on a dispute raised by Shri Azad Singh :

"Whether the action of the Telecommunication Distt. Engg., Rohtak in terminating the services of Shri Azad Singh S/o Shri Dalip Singh Casual worker w.e.f. 2nd May, 1988 is justified, fair and legal? If not to what relief the worker concerned is entitled to?"

2. Workman Azad Singh has alleged in his claim statement that he had worked with the respondent with effect from 15th April, 1986 to 2nd May, 1988 continuously and have acquired the status of a permanent worker. It was also alleged that his termination is illegal and done with mala fide intention without any authority and jurisdiction. It was prayed that termination order be set aside and the department may be asked to take him back in service with continuity and with full back wages.

3. The claim of the workman was resisted by the management raising both preliminary, legal and factual objections. The preliminary objection was taken that the claim is liable to be dismissed for non-joinder of the necessary parties the Union of India. On merits it was averred that the workman has not worked for 240 days in the preceding 12 months thus not worked continuously for one year from the date of his termination. It was further averred that he was employed as casual labourer on daily wage basis and worked for 116 days in the preceding 12 months of one years. It was denied that the workman had obtained status of permanent workman. It was further alleged that no person junior to the workman has retained. Since the workman has not worked 240 days in 12 calendar months. The contention of the workman that the provisions of section 25-G and 25-H of the I.D. Act is contravened hence denied. Services of the workman were terminated after completion of the expansion work and there is no job left for the applicant. One month notice was also given to the workman before termination.

4. Replication was also filed by the workman in this case. In support of his claim workman tendered his affidavit Ex. W1 in evidence and reiterated that he served as a workman in the department of telecommunication under the supervision of S.D.O. Telephone Rohtak w.e.f. 15th April, 1986 to 2nd May, 1988 and has served for more than 240 days continuously and thus acquired the status of permanent workman and during his service no explanation was called nor he was issued charge sheet and no domestic inquiry was held and no notice was served upon him before terminating his services. Management has also led evidence by tendering affidavit Ex. M-1 adduced by Mahak Singh, District Engineer, Rohtak who has stated that Azad Singh has not worked for 116 days from May, 1987 to April, 1988 and no junior person to the official has retained as casual labourer.

5. I have heard the parties and gone through the file. The management has only adduced oral evidence and no

documentary evidence has adduced. At the outset counsel for the workman has argued that during the period the workman has completed 240 days and the management while affecting retrenchment did not pay him retrenchment compensation and did not serve upon him any notice therefore, they did not comply with the provisions of section 25-F of the I.D. Act, 1947 and thus his termination is illegal and unjustified. While going through the file Shri Azad Singh workman has categorically stated that he has served more than 240 days continuously and has acquired the status of permanent workman. In order to contradict workman's case the respondent management could produce the record showing that he has not completed 240 days. But the management did not produce any record. Payment registers, Muster roll which are available with the respondent, has proof of the period and number of days of which the workman had worked would have best evidence, but in the absence of any evidence to the contrary the inference is to be drawn that workman's plea is correct and true. If any authority is needed AIR 1986 S.C. page 132 H. D. Singh Vs. Reserve Bank of India and the same can be read in this regard. Not only this the evidence of the management is also self contradictory. Shri Mahak Singh, District Engineer when appeared as MW1 in one breath stated that Azad Singh workman worked from 15th April, 1986 to 2nd May, 1988 and during this period he had worked for more than 240 days. But in the same breath he again states that during the preceding 12 months from May, 1987 to April, 1988 he had worked only 116 days for which there is no evidence. There is clear violation of Section 25-F of the I.D. Act, 1947.

5. In view of the facts discussed above and the circumstances case of the workman succeed and workman stands reinstated with continuity of service. There is no cogent evidence that workman remained unemployed or not worked anywhere during the above period. So it ordered that the workman will get Rs. 5000 in lieu of back wages. The result thereof that reference is answered in favour of the workman and against the management.

ARVIND KUMAR, Presiding Officer  
[No. L-40012/65/88-D.11(B) (Pt.)]

का.शा. 1001.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकम्युनिकेशन रोहतक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-91 को प्राप्त हुआ था।

S.O. 1001.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecommunication, Rohtak and their workmen, which was received by the Central Government on 8-3-1991.

#### ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, CHANDIGARH

Case No. I. D. 73/89

Suresh Kumar Sharma.

Versus

Telecommunication, District Engineer, Rohtak.

For the workman : Shri H. C. Dhankar.

For the management : Shri Arun Walia.

#### AWARD

Central Government vide gazette notification No. L-40012/87/88-D-2(B), dated 7th May, 1989 issued U/s. 10(1)(d) of the I. D. Act, 1947 referred the following dispute to this Tribunal for decision on a dispute raised by Shri Suresh Kumar Sharma :

"Whether the action of the Telecommunication District Engineer, Rohtak in terminating the services of Shri

Suresh Kumar Sharma son of Shri Bhai Ram casual worker w.e.f. 1-4-1988 is justified, fair and legal? If not, to what relief the worker concerned is entitled to?"

2. Workman Suresh Kumar Sharma has alleged in his statement that he had worked with the respondent w.e.f. 18-2-1986 to 30-4-1988 continuously and have acquired the status of permanent workman. It was also alleged that his termination is illegal and done with mala fide intention without any authority and justification. It was prayed that termination order be set aside and the department may be asked to take him back in service with continuity and with full back wages.

3. The claim of the workman has resisted by the management raising both preliminary, legal and factual objections. The preliminary objection was taken that the claim is liable to be dismissed for non-joinder of the necessary parties the Union of India. On merits it was averred that the workman has not worked for 240 days in the preceding 12 months thus not worked continuously for one year from the date of his termination. It was further averred that he was employed as casual labourer on daily wages basis and worked for 222 days in the preceding 12 months or one year. It was denied that the workman has obtained status of permanent workman. It was further alleged that no person junior to the workman has retained. Since the workman has not worked 240 days in 12 calendar months, the contention of the workman that the provisions of Section 25-G, 25-H of the I. D. Act is contravened, hence denied. Services of the workman were terminated after completion of the expansion work and there is no job left for the applicant. One month notice was also given to the workman before termination.

4. Replication was also filed by the workman in this case. In support of his claim workman tendered his affidavit Ex. W1 in evidence and reiterated that he served as workman in the department of telecommunication under the supervision of S.D.O. Telephone, Rohtak w.e.f. 18-2-1986 to 30-4-1988 and has served for more than 240 days continuously and thus acquired the status of permanent workman and during his service no explanation was called nor he was issued charge sheet and no domestic inquiry was held and no notice was served upon him before terminating his services. Management has also led evidence by tendering affidavit Ex. M1 adduced by Mahak Singh, District Engineer, Rohtak who has stated that Suresh Kumar Sharma has not worked 240 days in the preceding 12 months and only worked for 222 days from 5/87 to 4/88 and no junior person to the official has retained as casual labourer.

5. I have heard the parties and gone through the file. The management has only adduced oral evidence and no documentary evidence has adduced. At the outset counsel for the workman has argued that during the period the workman has completed 240 days and the management while effecting retrenchment did not pay him retrenchment compensation and did not serve upon him any notice. Therefore, they did not comply with the provisions of Section 25F of the I. D. Act, 1947 and thus his termination is illegal and unjustified. While going through the file Shri Suresh Kumar Sharma workman has categorically stated that he has served more than 240 days continuously and has acquired the status of permanent workman. In order to contradict workman's case the respondent management could produce the record showing that he has not completed 240 days. But the management did not produce any record. Payment registers, Muster roll which are available with the Respondent has proof of the period and number of days of which the workman had worked would have best evidence. The absence of any evidence to the contrary the inference is to be drawn that workman's plea is correct and true. If any authority is needed AIR 1986 S.C. page 132 H. D. Singh Vs. Reserve Bank of India and the same can be read in this regard. Not only this the evidence of the management is also self contradictory. Shri Mahak Singh, District Engineer when appeared as MW1 in one breath states that Suresh Kumar Sharma workman worked from 18-2-86 to 30-4-88 and during this period he had worked for more than 240 days. But in the same breath he again states that the preceding 12 months from 5/87 to 4/88 he had worked only for 222 days for which there is

no documentary evidence. The result thereof that there is clear violation of section 25-F of the I. D. Act, 1947.

6. In view of the facts discussed above and the circumstances case of the workman succeed and workman stands reinstated with continuity in service. There is no cogent evidence that workman remained unemployed or not worked anywhere during the above period. So it is ordered that the workman will get Rs. 5000 in lieu of back wages. The result thereof that reference answered in favour of the workman and against the management.

Chandigarh,  
Dated :

ARVIND KUMAR, Presiding Officer  
[No. L-40012/87/88-D.II(B)(Pt.)]

का.प्र. 1002:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकम्युनिकेशन रोहताक के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच व अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-91 को प्राप्त हुआ था।

S.O. 1002.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecommunication, Rohtak and their workmen, which was received by the Central Government on 8-3-1991.

#### ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-JABOUR COURT, CHANDIGARH  
I. D. No. 80/89

Prem Narain Tiwari.

#### VERSUS

Telecommunication, District Engineer, Rohtak.

For the workman : Shri H. C. Dhankar.

For the management : Shri Arun Walla.

#### AWARD

Central Government vide gazette notification No. 40012/59/88-D-2(B), dated 2nd May, 1989 issued U/s. 10(1)(d) of the I. D. Act, 1947 referred the following dispute to this Tribunal for decision on a dispute raised by Shri Prem Narain Tiwari :

"Whether the action of the Telecommunication District Engineer, Rohtak in terminating the services of Shri Prem Narain Tiwari son of Shri R. B. Tiwari, casual worker w.e.f. 5-5-88 is justified, fair and legal? If not, to what relief the worker concerned is entitled?"

2. Workman P. N. Tiwari has alleged in his claim statement that he had worked with the respondent with effect from 1-3-1986 to 5-5-1988 continuously and have acquired the status of a permanent workman. It was also alleged that his termination is illegal and done with mala fide intention without any authority and jurisdiction. It was prayed that termination order be set aside and the department may be asked to take him back in service with continuity and with full back wages.

3. The claim of the workman was resisted by the management raising both preliminary, legal and factual objections. The preliminary objection was taken that the claim is liable to be dismissed for non-joinder of the necessary parties the Union of India. On merits it was averred that the workman has not worked for 240 days in the preceding 12 months thus not worked continuously for one year from the date of his termination. It was further averred that he was

Employed as casual labourer on daily wage basis and worked for 153 days in the preceding 12 months or one year. It was denied that the workman has obtained status of permanent workman. It was further alleged that no person junior to the workman has retained. Since the workman has not worked 240 days in 12 calendar months. The contention of the workman that the provisions of Section 25-G and 25-H of the I. D. Act is contravened hence denied. Services of the workman were terminated after completion of the expansion work and there is no job left for the applicant. One month notice was also given to the workman before termination.

4. Replication was also filed by the workman in this case. In support of his claim workman tendered his affidavit Ex. W1 in evidence and reiterated that he served as a workman in the department of telecommunication under the supervision of S.D.O. Telephone, Rohtak w.e.f. 1-3-1986 to 5-5-1988 and has served for more than 240 days continuously and thus acquired the status of permanent workman and during his service no explanation was called nor he was issued charge sheet and no domestic inquiry was held and no notice was served upon him before terminating his services. Management has also led evidence by tendering affidavit Ex. M1 adduced by Mahak Singh, District Engineer, Rohtak who has stated that Prem Narain Tiwari has not worked for 240 days in the preceding 12 months and only worked for 153 days from 6-6-87 to 2-5-88 and no junior person to the official has retained as casual labourer.

5. I have heard the parties and gone through the file. The management has only adduced oral evidence and no documentary evidence has adduced. At the outset counsel for the workman has argued that during the period the workman has completed 240 days and the management while effecting retrenchment did not pay him retrenchment compensation and did not serve upon him any notice. Therefore, they did not comply with the provisions of Section 25F of the I. D. Act, 1947 and thus his termination is illegal and unjustified. While going through the file Shri Prem Narain Tiwari workman has categorically stated that he has served more than 240 days continuously and has acquired the status of permanent workman. In order to contradict workman's case the respondent management could produce the record showing that he has not completed 240 days. But the management did not produce any record. Payment registers, Muster Roll which are available with the respondent has proof of the period and number of days of which the workman had worked would have best evidence. But in the absence of any evidence to the contrary the inference is to be drawn that workman's plea is correct and true. If any authority is needed ATR 1986 S.C. page 132 H. D. Singh Vs. Reserve Bank of India and the same can be read in this regard. Not only this the evidence of the management is also self contradictory. Shri Mahak Singh, District Engineer when appeared as MW1 in one breath states that Prem Narain Tiwari workman worked from 1-3-1986 to 5-5-1988 and during this period he had worked for more than 240 days. But in the same breath he again states that during the preceding 12 months from 6/87 to 5/88 he had worked only for 153 days for which there is no documentary evidence. The result thereof that there is clear violation of Section 25F of the I. D. Act, 1947.

5. In view of the facts discussed above and the circumstances case of the workman succeed and workman stands reinstated with continuity in service. There is no cogent evidence that workman remained unemployed or not worked anywhere during the above period. So it is ordered that the workman will get Rs. 5000 in lieu of back wages. The result thereof that reference answered in favour of the workman and against the management charges.

ARVIND KUMAR, Presiding Officer

[No. I-40012/59/88-D II(BV Pt)]

क्र.पा. 1003—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वये में, केन्द्रीय सरकार टेलेकम्युनिकेशन रोडवर्क के प्रमुखत्व के संघर्ष नियोजकों और उनके कार्यकर्ताओं के बीच, प्रमुख में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अग्रि करण, चंडीगढ़ के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को-8-3-91 को प्राप्त हुआ था।

S.O. 1003.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (44 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecommunication, Rohtak and their workmen, which was received by the Central Government on 8th March, 1991.

#### ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-

CUM-LABOUR COURT, CHANDIGARH

I.D. No. 114 89

Rajeshwar

Versus

Telecommunication, District Engineer Rohtak.

For the workman—Shri H. C. Dhankar.

For the management—Shri Arun Walia.

#### AWARD

Central Government vide gazetted notification No. I-40012/114/88-D II(B) dated 27th July 1989 issued U/s. 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for decision on a dispute raised by Shri Rajeshwar :

"Whether the action of the Telecommunication District Engineer, Rohtak in terminating the services of Shri Rajeshwar S/o Shri Gaya Prasad casual worker w.e.f. 1st April, 1988 is justified, fair and legal? If not to what relief the worker concerned is entitled to?"

2. Workman Rajeshwar has alleged in his claim statement that he had worked with the respondent with effect from February, 1986 to March, 1988 continuously and have acquired the status of a permanent workman. It was also alleged that his termination is illegal and done with malafide intention without any authority and jurisdiction. It was prayed that termination order be set aside and the department may be asked to take him back in service with continuity and with full back wages.

3. The claim of the workman was resisted by the management raising both preliminary, legal and factual objections. The preliminary objection was taken that the claim is liable to be dismissed for non-joinder of the necessary parties the Union of India. On merits it was averred that the workman has not worked for 240 days in the preceding 12 months thus not worked continuously for one year from the date of his termination. It was further averred that he was employed as casual labourer on daily wage basis and worked for 210 days in the preceding 12 months or one year. It was denied that the workman has obtained status of permanent workman. It was further alleged that no person junior to the workman has retained. Since the workman has not worked 240 days in 12 calendar months. The contention of the workman that the provisions of Section 25-G & 25-H of the I.D. Act is contravened hence denied. Services of the workman were terminated after completion of the expansion work and there is no job left for the applicant. One month notice was also given to the workman before termination.

4. Replication was also filed by the workman in this case. In support of his claim workman tendered his affidavit Ex. W1 in evidence and reiterated that he served as a workman in the department of telecommunication under the supervision of S.D.O. Telephone Rohtak w.e.f. February, 1986 to March, 1988 and has served for more than 240 days continuously and thus acquired the status of permanent workman and during his service no explanation was called nor he was issued charge sheet and no domestic inquiry was held and no notice was served upon him before terminating his services. Management has also led evidence by tendering affidavit Ex. M1 adduced by Mahak Singh District Engineer, Rohtak who has stated that Rajeshwar has not worked for 240 days in the preceding 12 months and only worked for 240 days from April, 1987 to March, 1988 and no junior person to the official has retained as casual labourer.

5. I have heard the parties and gone through the file. The management has only adduced oral evidence and no documentary evidence has adduced. At the out set counsel for the workman has argued that during the period the workman has completed 240 days and the management compensation and did not serve upon him any notice. Therefore, they did not comply with the provisions of Section 25-F of the I.D. Act, 1947 and thus his termination is illegally and unjustified. While going through the file Shri Raieshwar workman has categorically stated that he has served more than 240 days continuously and has acquired the status of permanent workman. In order to contradict workman's case the respondent management could produce the record showing that he has not completed 240 days. But the management did not produced any record. Payment Registers, Muster roll which are available with the respondent has proof of the period and number of days which the workman had worked would have best evidence, but in the absence of any evidence to the contrary the inference is to be drawn that workman's plea is correct and true. If any authority is needed AIR 1966 S.C. page 132 H.D. Singh Vs. Reserve Bank of India and the same can be read in this regard. Not only this the evidence of the management is also self contradictory. Shri Mahak Singh District Engineer when appeared as MW-1 in one breath states that Raieshwar workman worked from February, 1986 to March, 1988 and during this period he had worked for more than 240 days. But in the same breath he again states that during the preceding 12 months from April, 1987 to March, 1988 he had worked only 210 days for which there is no documentary evidence. The result thereof that there is clear violation of Section 25-F of the I.D. Act, 1947.

6. In view of the facts discussed above and the circumstances case of the workman succeed and workman stands reinstated with continuity in service. There is no cogent evidence that workman remained unemployed or not worked any where during the above period. So it is ordered that the workman will get Rs. 5000 in lieu of back wages. The result thereof that reference is answered in favour of the workman and against the management.

ARVIND KUMAR, Presiding Officer.

[No. I-40012/114/88-D.II(B) (Pt.)]

Chandigarh.

Dated : 28-1-1991.

का.धा.1004:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसर्ग में, केन्द्रीय सरकार टेलीकम्युनिकेशन रोहताक के प्रबन्धन के संवत् नियोजकों और उनके कर्मचारों के बीच, अनुसर्ग में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के संवत् को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-91 को प्राप्त हुआ था।

S.O. 1004.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecommunication Rohtak and their workmen, which was received by the Central Government on 8-3-1991.

#### ANNEXURE

BEFORE SHRI ARVIND KUMAR PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH I. D. 78/89.

Ram Bhul Vs. Telecommunication, Distt. Engineer Rohtak.

For the Workman : M. C. Dhankar.

For the Management : Shri Arun Walia.

#### AWARD

Central Government vide Gazette notification No. I-40012/114/88-D.2(B), dated 2nd May, 1989 Issued U/s. 795 GI/91-11

10(1)(d) of the I. D. Act, 1947 referred the following dispute to this Tribunal for decision on a dispute raised by Shri Bhul Sharma :

"Whether the action of the Telecommunication Distt. Engg. Rohtak in terminating the services of Shri Ram Bhul Sharma S/o Shri Hari Ram Sharma casual worker w.e.f. 1-4-1988 is justified, fair and legal? If not, to what relief the worker concerned is entitled to?"

2. Workmen Ram Bhul Sharma has alleged in his claim statement that he had worked with the respondent with effect from 15-4-1986 to 31-3-1988 continuously and have acquired the status of a permanent workman. It was also alleged that his termination is illegal and done with mala fide intention without any authority and jurisdiction. It was prayed that termination order be set aside and the department may be asked to take him back in service with continuity and with full back wages.

3. The claim of the workman was resisted by the management raising both preliminary, legal and factual objections. The preliminary objection was taken that the claim is liable to be dismissed for non joinder of the necessary parties the Union of India. On merits it was averred that the workman has not worked for 240 days in the preceding 12 months thus not worked continuously for one year from the date of his termination. It was further averred that he was employed as casual labourer on daily wages basis and worked for 128 days in the preceding 12 months or one year. It was denied that the workman has obtained status of permanent workman. It was further alleged that no person junior to the workman has retained. Since the workman has not worked 240 days in 12 calendar months. The contention of the workman that the provisions of Section 25-G & 25-H of the I. D. Act, is contravend hence denied. Services of the workman were terminated after completion of the expansion work and there is no job left for the applicant. One month notice was also given to the workman before termination.

4. Replication was also filed by the workman in this case in support of his claim workman tendered his affidavit Ex. W-1 in evidence and reiterated that he served as a workman in the department of telecommunication under the supervision of S.D.O. Telephone Rohtak w.e.f. 15-4-1986 to 31-3-88 and has served for more than 240 days continuously and thus acquired the status of permanent workman and during his service no explanation was called for not he was issued charge sheet and no domestic inquiry was held and no notice was served upon him before terminating his services. Management has also led evidence by tendering affidavit Ex. M-1 adduced by Mahak Singh Distt. Engg. Rohtak who has stated that Ram Bhul Sharma has not worked for 240 days in the preceding 12 months and only worked 128 days from 5/87 to 4/88 and no junior to the official has retained as casual labourer.

5. I have heard the parties and gone through the file. The management has only adduced oral evidence and no documentary evidence has adduced. At the out set counsel for the workman has argued that during the period the workman has completed 240 days and the management while effecting retrenchment did not pay him retrenchment compensation and did not serve upon him any notice. Therefore, they did not comply with the provisions of Section 25 of the I. D. Act, 1947 and thus his termination is illegal and unjustified. While going through the file Shri Ram Bhul Sharma workman has categorically stated that he has served more than 240 days continuously and has acquired the status of permanent workman. In order to contradict workman's case the respondent management could produce the record showing that he has not completed 240 days. But the management did not produce any record. Payment registers, Muster roll which are available with the respondent has proof of the period and number of days of which the workman had worked would have best evidence. But in the absence of any evidence to the contrary the inference is to be drawn that workman's plea is correct and true. If any authority is needed AIR 1986 S.C. page 132 H.D. Singh Vs. Reserve Bank of India and the same can be read in this regard. Not only this the evidence of the management is also self contradictory. Shri Mahak Singh Distt. Engg. when appeared as MW-1 in one breath states that Ram Bhul Sharma workman worked

from 15-4-1986 to 31-3-1988 and during this period he had worked from more than 240 days. But in the same breath he again states that during the preceding 12 months from 5/87 to 4/88 he had worked only 128 days for which there is no documentary evidence. The result thereof that there is clear Violation of Section 25-F of the I. D. Act, 1947.

6. In view of the facts discussed above and the circumstances case of the workman succeed and workman stands re-instated with continuity in service. There is no cogent evidence that workman remained unemployed or not worked any where during the above period. So it is ordered that the workman will get Rs. 5000/- in lieu of back wages. The result thereof that reference is answered in favour of the workman and against the management.

ARVIND KUMAR, Presiding Officer.

[No. L-40012/87/88-D, II (B) (Pt)]

का.आ.1005 —औद्योगिक विवाद अधिनियम, 1947 (1917 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार टेलीकम्युनिकेशन रोहतक के प्रबन्धन में संयुक्त नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट्ट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-91 को प्राप्त हुआ था।

S.O. 1005.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecommunication Rohtak and their workmen, which was received by the Central Government on 8-3-91.

#### ANNEXURE

BEFORE SHRI ARVIND KUMAR PRESIDING OFFICER,  
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT, CHANDIGARH

I.D. No. 67/89

Suresh Kumar

VERSUS

Telecommunication, District Engineer Rohtak

For the workman—Shri H. C. Dhankar

For the management—Shri Arun Walia

#### AWARD

Central Govt. vide gazette notification No. L-40012/90/88-D,II(B) dated 24th April, 1989 issued U/S 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for decision on a dispute raised by Shri Suresh Kumar :

“Whether the action of the Telecommunication District Engineer Rohtak in terminating the services of Sh. Suresh Kumar S/o Sh. Richpal Singh, casual worker w.e.f. 1-4-88 is justified, fair and legal? If not, to what relief the worker concerned is entitled to?”

2. Workman Suresh Kumar has alleged in his claim statement that he had worked with the respondent with effect from 18-2-86 to 30-4-88 continuously and have acquired the status of a permanent workman. It was also alleged that his termination is illegal and done with malafide intention without any authority and jurisdiction. It was prayed that termination order be set aside and the department may be asked to take him back in service with continuity and with full back wages.

3. The claim of the workman was resisted by the management raising both preliminary, legal and factual objections. The preliminary objection was taken that the claim is liable to be dismissed for non-joinder of the necessary parties the Union of India. On merits it was averred that the workman

has not worked for 240 days in the preceeding 12 months thus not worked continuously for one year from the date of his termination. It was further averred that he was employed as casual labourer on daily wage basis and worked for 173 days the preceding 12 months or one year. It was denied that the workman has obtained status of permanent workman. It was further alleged that no person junior to the workman has retained. Since the workman has not worked 240 days in 12 calendar months. The contention of the workman that the provisions of Section 25-G & 25-H of the I.D. Act is contravened hence denied. Services of the workman were terminated after completion of the expansion work and there is no job left for the applicant. One month notice was also given to the workman before termination.

4. Replication was also filed by the workman in this case. In support of his claim workman tendered his affidavit Ex. W-1 in evidence and reiterated that he served as a workman in the department of telecommunication under the supervision of S.D.O. Telephone Rohtak w.e.f. 18-2-86 to 30-4-88 and has served for more than 240 days continuously and thus acquired the status of permanent workman and during his service no explanation was called nor he was issued charge sheet and no domestic inquiry was held and no notice was served upon him before terminating his services. Management has also led evidence by tendering affidavit Ex. M1 adduced by Mahak Singh District Engineer Rohtak who has stated that Suresh Kumar has not worked for 240 days in the preceding 12 months and only worked for 173 days in the 5/87 to 4/88 and no junior person to the official has retained as casual labourer.

5. I have heard the parties and gone through the file. The management has only adduced oral evidence and no documentary evidence has adduced. At the out set counsel for the workman has argued that during the period the workman has completed 240 days and the management while effecting retrenchment did not pay him retrenchment compensation and did not serve upon him any notice. Therefore, they did not comply with the provisions of Section 25-F of the I.D. Act 1947 and thus his termination is illegal and unjustified. While going through the file Sh. Suresh Kumar workman has categorically stated that he has served more than 240 days continuously and has acquired the status of permanent workman. In order to contradict workman's case the resdt. management could produce the record showing that he has not completed 240 days. But the management did not produced any record. Payment register, Muster roll which are available with the resdt. has proof of the period and number of days of which the workman had worked would have best evidence. But in the absence of any evidence to the contrary the inference is to be drawn that workman's plea is correct and true. If any authority is needed AIR 1986 S.C. page 132 H. D. Singh Vs. Reserve Bank of India and the same can be read in this regard. Not only this the evidence of the management is also self contradictory. Shri Mahak Singh District Engineer when appeared as MW1 in one breath states that Suresh Kumar workman worked from 18-2-86 to 30-4-88 and during this period he had worked for more than 240 days. But in the same breath he again states that during the preceding 12 months from 5/87 to 4/88 he had worked only for 173 days for which there is no documentary evidence. The result thereof that there is clear violation of Section 25-F of the I.D. Act 1947.

6. In view of the facts discussed above and the circumstances case of the workman succeed and workman stands re-instated with continuity in service. There is no cogent evidence that workman remained unemployed or not worked any where during the above period. So it is ordered that the workman will get Rs. 5000 in lieu of back wages. The result thereof that reference is answered in favour of the workman and against the management.

CHANDIGARH.

Dated :

ARVIND KUMAR, Presiding Officer

[No. L-40012/90/88-D,II(B)(Pt)]

का.अ. 1006 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऐलिकम्प्यूनिकेशन रोहतक के प्रबन्धन से संबंधित निधायको और उनके कर्मचारों के बीच, अनुबद्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण, चंडीगढ़ के पक्षों को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-91 को प्राप्त हुआ था।

S.O. 1006.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecommunication Rohtak and their workmen, which was received by the Central Government on 8-3-91.

## ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,  
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT, CHANDIGARH

CASE NO. I.D. 115/89

Shiv Ram Singh

Versus

Telecommunication District Engineer, Rohtak.

For the workman—Shri H. C. Dhankar.

For the management—Shri Arun Walia.

## AWARD

Central Govt. vide gazette notification No. L-40012/115/88-D-2(B) dated 27th July, 1989 issued U/S 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for decision on a dispute raised by Shri Shiv Ram Singh :

“Whether the action of the Telecommunication District Engineer, Rohtak in terminating the services of Sh. Shiv Ram Singh S/O Sh. Ajab Singh casual worker w.e.f. 1-4-88 is justified, fair and legal? If not to what relief the worker concerned is entitled to?”

2. Workman Shiv Ram Singh has alleged in his claim Statement that he was employed at Telephone Exchange at Hansi since 24-11-1985 and he was working as a Casual worker diligently without any blemish. It was alleged that he was forcibly retrenched from service w.e.f. 1-11-88 after he has served the Telephone Dept. continuously for two and half years and while terminated his services, he was served neither with any notice nor any reason was assigned to him. The Respondent acted arbitrarily while terminating his services, and the Management has also violated the provisions of Section 25F and 25FF of the I.D. Act 1947.

3. The claim of the workman resisted by the management raising both preliminary, legal and factual objections. The preliminary objection was taken that the claim is liable to be dismissed for non-joinder of the necessary parties the Union of India. On merits it was averred that the workman has not worked for 240 days in the preceding 12 months thus not worked continuously for one year from the date of his termination. It was further averred that he was employed as casual labourer on daily wage basis and had not worked continuously for 240 days from the date of his termination and the workman had not attained the status of permanent workman. The management also denied that the workman had retrenched w.e.f. 1-4-1988 the plea of the management that workman was not regular employee of the department and had not legal right to continue in the department. He was simply a daily wage Majdoor enrolled in the Muster roll without any appointment letter or through the employment exchange and there is no violation of section 25-F and 25-FF of I.D. Act.

4. Replication was also filed by the workman in this case. In support of his claim workman tendered his affidavit Ex. W1 reiterating his claim as mentioned in the claim statement and deposed that he worked at Hansi w.e.f. 24-11-1985 to 1-4-1988 and served for more than 240 days. The management also filed affidavit of Shri C. B. Relan, Sub Divisional

Officer, Telegraph, Hissar in evidence who has admitted in his affidavit that Shiv Ram Singh had worked for 354 days in 12 preceding months i.e. 1-4-1987 to 31-3-1988. He also stressed in the affidavit that Shiv Ram Singh was not appointed through any appointment letter or retrenched through any letter. He also stressed that he was not regular employee of the respondent department, and has no legal right to continue in the department. In cross-examination Shri C. B. Relan has admitted that from 24-11-1985 to 1-4-1988 he had worked for more than 240 and he also admitted that in the preceding 12 calendar months from 1-4-1987 to 31-3-1988 he had worked for 354 days.

5. I have heard the parties and gone through the file. The management in the affidavit Ex. M1 as well as management witness Shri C. B. Relan who appeared as witness has admitted that in the preceding 12 calendar months from 1-4-87 to 31-3-1988 he had worked for 354 days (more than 240 days). With this certainly the workman satisfy the eligibility qualification under Section 25-F of the Act. The management while effecting the retrenchment did not pay him retrenchment compensation and did not serve upon him any notice. Certainly the management had not complied with the provisions of Section 25-F of the I.D. Act 1947.

6. In view of the facts discussed above and the circumstances case of the workman succeed and the workman stands re-instated with continuity in service. There is no cogent evidence that workman remained unemployed or not worked any where during the above period. So it is ordered that the workman will get Rs. 5000 in lieu of back wages. The result thereof that reference is answered in favour of the workman and against the management.

ARVIND KUMAR, Presiding Officer

Chandigarh.

[No. L-40012/115/88-D.II(B)(Pt.)]

का.अ. 1007 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऐलिकम्प्यूनिकेशन रोहतक के प्रबन्धन से संबंधित निधायको और उनके कर्मचारों के बीच, अनुबद्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण, चंडीगढ़ के पक्षों को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-91 को प्राप्त हुआ था।

S.O. 1007.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecommunication Rohtak and their workmen, which was received by the Central Government on 8-3-91.

## ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,  
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT, CHANDIGARH

I.D. No. 83/89

Lalit Kumar

VERSUS

Telecommunication District Engineer Rohtak

For the workman—Shri H. C. Dhankar.

For the management—Shri Arun Walia.

## AWARD

Central Govt. vide gazette notification No. L-40012/62/88-D. II(B) dated 2nd May 1989 issued U/S 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for decision on a dispute raised by Shri Lalit Kumar :

“Whether the action of the Telecommunication District Engineer, Rohtak in terminating the services of



Sh. Lalit Kumar S/o Sh. Katwaru Pathak casual worker w.e.f. 1-4-88 is justified, fair and legal? If not, to what relief the worker concerned is entitled to?"

2. Workman Lalit Kumar has alleged in his claim statement that he had worked with the respondent with effect from 1-3-86 to 1-4-88 continuously and have acquired the status of a permanent workman. It was also alleged that his termination is illegal and done with malafide intention without any authority and jurisdiction. It was prayed that termination order be set aside and the department may be asked to take him back in service with continuity and with full back wages.

3. The claim of the workman was resisted by the management raising both preliminary, legal and factual objections. The preliminary objection was taken that the claim is liable to be dismissed for non-joinder of the necessary parties the Union of India. On merits it was averred that the workman has not worked for 240 days in the preceding 12 months thus not worked continuously for one year from the date of his termination. It was further averred that he was employed as casual labourer on daily wage basis and worked for 178 days in the preceding 12 months or one year. It was denied that the workman has obtained status of permanent workman. It was further alleged that no person junior to the workman has retained. Since the workman has not worked 240 days in 12 calendar months. The contention of the workman that the provisions of Section 25-G & 25-H of the I.D. Act is contravened hence denied. Services of the workman were terminated after completion of the expansion work and there is no job left for the applicant. One month notice was also given to the workman before termination.

4. Replication was also filed by the workman in this case. In support of his claim workman tendered his affidavit Ex. W1 in evidence and reiterated that he served as a workman in the department of telecommunication under the supervision of S.D.O. Telephone Rohtak w.e.f. 1-3-86 to 1-4-88 and has served for more than 240 days continuously and thus acquired the status of permanent workman and during his service no explanation was called nor he was issued chargesheet and no domestic inquiry was held and no notice was served upon him before terminating his services. Management has also led evidence by tendering affidavit Ex. M1 adduced by Mahak Singh District Engineer Rohtak who has stated that Lalit Kumar has not worked for 240 days in the preceding 12 months and only worked for 178 days from 4/87 to 3/88 and no junior person to the official has retained as casual labourer.

5. I have heard the parties and gone through the file. The management has only adduced oral evidence and no documentary evidence has adduced. At the out set counsel for the workman has argued that during the period the workman has completed 240 days and the management while effecting retrenchment did not pay him retrenchment compensation and did not serve upon him any notice. Therefore, they did not comply with the provisions of Section 25-F of the I.D. Act 1947 and thus his termination is illegal and unjustified. While going through the file Shri Lalit Kumar workman has categorically stated that he has served more than 240 days continuously and has acquired the status of permanent workman. In order to contradict workman's case the respdt. management could produce the record showing that he has not completed 240 days. But the management did not produced any record. Payment register, Muster roll which are available with the respdt. has proof of the period and number of days of which the workman had worked would have best evidence. But in the absence of any evidence to the contrary the inference is to be drawn that workman's plea is correct and true. If any authority is needed AIR 1986 S.C. page 132 H. D. Singh Vs. Reserve Bank of India and the same can be read in this regard. Not only this the evidence of the management is also self contradictory. Shri Mahak Singh District Engineer when appeared as MW1 in one breath states that Lalit Kumar workman worked from 1-3-86 to 1-4-88 and during this period he had worked for more than 240 days. But in the same breath he again states that during the preceding 12 months from 4/87 to 3/88 he had worked only 178 days for which there is no documentary evidence. The result thereof that there is clear violation of Section 25-F of the I.D. Act 1947

6. In view of the facts discussed above and the circumstance case of the workman succeed and workman stands reinstated with continuity in service. There is no cogent evidence that workman remained unemployed or not worked anywhere during the above period. So it is ordered that the workman will get Rs. 5000 in lieu of back wages. The result thereof that reference is answered in favour of the workman and against the management.

CHANDIGARH.

DATED :

ARVIND KUMAR, Presiding Officer.

[No. L-40012/62/88-D.II(B) Pt.]

का.प्र. 1008—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकम्यूनिकेशन रोहतक के प्रबन्धन के सबंध निवोधकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, 1947 के पंचपद को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-91 को प्राप्त हुआ था।

S.O. 1008.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecommunication Distt Eng. Rohtak and their workmen, which was received by the Central Government on 8-3-91.

#### ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,  
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT, CHANDIGARH

I.D. No. 81/89

Ramesh Chander

VERSUS

Telecommunication District Engineer Rohtak.

For the workman—Shri H. C. Dhanekar.

For the management—Shri Arun Walia.

#### AWARD

Central Govt. vide Gazette notification No. L-40012/60/88-D.II(B) dated 2nd May 1989 issued U/s 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for decision on a dispute raised by Shri Ramesh Chander :

"Whether the action of the Telecommunication District Engineer, Rohtak in terminating the services of Sh. Ramesh Chander S/o Sh. Lalita Prasad, casual worker w.e.f. 25-4-88 is justified, fair and legal? If not to what relief the worker concerned is entitled to?"

2. Workman Ramesh Chander has alleged in his claim statement that he had worked with the respondent with effect from February 1986 to April 1988 continuously and have acquired the status of a permanent workman. It was also alleged that his termination is illegal and done with malafide intention without any authority and jurisdiction. It was prayed that termination order be set aside and the department may be asked to take him back in service with continuity and with full back wages.

3. The claim of the workman was resisted by the management raising both preliminary, legal and factual objections. The preliminary objection was taken that the claim is liable to be dismissed for non-joinder of the necessary parties the Union of India. On merits it was averred that the workman has not worked for 240 days in the preceding 12 months thus not worked continuously for one year from the date of his termination. It was further averred that he was employed as casual labourer on daily wage basis and worked for 179 days in the preceding 12 months or one year. It was denied that the workman has obtained status of permanent workman. It was further alleged that no person junior to the workman



has retained. Since the workman has not worked 240 days in 12 calendar months. The contention of the workman that the provisions of Section 25-G & 25-H of the I.D. Act is contravened hence denied. Services of the workmen were terminated after completion of the expansion work and there is no job left for the applicant. One month notice was also given to the workman before termination.

4. Replication was also filed by the workman in this case. In support of his claim workman tendered his affidavit Ex. W1 in evidence and reiterated that he served as a workman in the department of telecommunication under the supervision of S.D.O. Telephone Rohtak w.e.f. Feb. 1986 to April 1988 and has served for more than 240 days continuously and thus acquired the status of permanent workman and during his service no explanation was called nor he was issued charge-sheet and no domestic inquiry was held and no notice was served upon him before terminating his services. Management has also led evidence by tendering affidavit Ex. M1 adduced by Mahak Singh District Engineer Rohtak who has stated that Ramesh Chander has not worked for 240 days in the preceding 12 months and only worked for 199 days from 5/87 to 4/88 and no junior person to the official has retained as casual labourer.

5. I have heard the parties and gone through the file. The management has only adduced oral evidence and no documentary evidence has adduced. At the outset counsel for the workman has argued that during the period the workman has completed 240 days and the management while effecting retrenchment did not pay him retrenchment compensation and did not serve upon him any notice. Therefore, they did not comply with the provisions of Section 25F of the I.D. Act 1947 and thus his termination is illegal and unjustified. While going through the file Shri Ramesh Chander workman has categorically stated that he has served more than 240 days continuously and has acquired the status of permanent workman. In order to contradict workman's case the respdt. management could produce the record showing that he has not completed 240 days. But the management did not produced any record. Payment registers, Muster roll which are available with the respdt. has proof of the period and number of days of which the workman had worked would have best evidence. But in the absence of any evidence to the contrary the inference is to be drawn that workman's plea is correct and true. If any authority is needed AIR1966 S.C. page 132 H. D. Singh Vs. Reserve Bank of India and the same can be read in this regard. Not only this the evidence of the management is also self contradictory. Shri Mahak Singh District Engineer when appeared as MW1 in one breath states that Ramesh Chander workman worked from Feb. 1986 to April 1988 and during this period he had worked for more than 240 days. But in the same breath he again states that during the preceding 12 months from 5/87 to 4/88 he had worked only 199 days for which there is no documentary evidence. The result thereof that there is clear violation of Section 25-F of the I.D. Act 1947.

6. In view of the facts discussed above and the circumstances case of the workman succeed and workman stands re-instated with continuity in service. There is no cogent evidence that workman remained unemployed or not worked any where during the above period. So it is ordered that the workman will get Rs. 5000 in lieu of back wages. The result thereof that reference is answered in favour of the workman and against the management.

CHANDIGARH.

DATED :

ARVIND KUMAR, Presiding Officer  
[No. L-40012/60/88-D.II(B)(Pt.)]

क.प्र. 1009 :—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 11) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, टेलीकम्युनिकेशन रोहतक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट श्रीयोगिक विवाद में केन्द्रीय सरकार श्रीयोगिक अधि-करण, चंडीगढ़ के पंचवट को प्रकाशित करती है जो केन्द्रीय सरकार की 8-3-91 को प्राप्त हुआ था।

S.O. 1009.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecommunication District Engineer, Rohtak and their workmen, which was received by the Central Government on 8-3-1991.

#### ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
CUM-LABOUR COURT, CHANDIGRAH

I. D. 84/89

Suresh Kumar

Versus

Telecommunication District Rohtak.

For the workman : Shri H. C. Dhankar.

For the management : Shri Arun Wallia.

#### AWARD

Central Government vide gazette notification No. L-40012/63/88-D-2(B), dated 2nd May, 1989 issued U/s. 10(1)(d) of the I. D. Act, 1947 referred the following dispute to this Tribunal for decision on a dispute raised by Shri Suresh Kumar :

"Whether the action of the telecommunication, District Engineer, Rohtak in terminating the services of Shri Suresh Kumar son of Shri Ram Chander casual worker w.e.f. 1-4-1988 is justified, fair and legal? If not, to what relief the worker concerned is entitled to?"

2. Workman Suresh Kumar has alleged in his claim statement that he had worked with the respondent with effect from 18-2-1986 to 1-4-1988 continuously and have acquired the status of a permanent workman. It was also alleged that his termination is illegal and done with mala fide intention without any authority and jurisdiction. It was prayed that termination order be set aside and the department may be asked to take him back in service with continuity and with full back wages.

3. The claim of the workman was resisted by the management raising both preliminary, legal and factual objections. The preliminary objection was taken that the claim is liable to be dismissed for non joinder of the necessary parties the Union of India. On merits it was averred that the workman has not worked for 240 days in the preceding 12 months thus not worked was further averred that he was employed as casual labourer on daily wage basis and worked for 65 days in the preceding 12 months or one year. It was denied that the workman has obtained status of a permanent workman. It was further alleged that no person junior to the workman was retained. Since the workman has not worked for 240 days in 12 calendar months. The contention of the workman that the provisions of Section 25-G and Section 25-H of the I. D. Act is contravened hence denied. Services of the workman were terminated after completion of the expansion work and there is no job left for the applicant. One month notice was also given to the workman before termination.

4. Replication was also filed by the workman in this case. In support of his claim workman tendered his affidavit Ex. W1 in evidence and reiterated that he served as a workman in the department of telecommunication under the supervision of S.D.O. Telephone, Rohtak w.e.f. 18-2-1986 to 1-4-1988 and has served for more than 240 days continuously and thus acquired the status of permanent workman and during his service no explanation was called for nor he was issued charge-sheet and no domestic inquiry was held and no notice was served upon him before terminating his services. Management has also led evidence by tendering affidavit Ex. M1 adduced by Shri Mahak Singh, District Engineer, Rohtak who has stated that Suresh Kumar has not worked for 240 days in the preceding 12 months and only worked for 65 days from 5/87 to 4/88 and no junior person the official has retained as casual labourer.

5. I have heard the parties and gone through the file. The management has only adduced oral evidence and no documentary evidence has adduced. At the out set counsel for the workman has argued that during the period workman has completed 240 days and the management while effecting retrenchment did not pay him retrenchment compensation and did not serve upon him any notice. Therefore, they did not comply with the provisions of Section 25 of the I. D. Act, 1947 and thus his termination is illegal and unjustified. While going through the file Shri Suresh Kumar workman has categorically stated that he has served more than 240 days continuously and has acquired the status of permanent workman. In order to contradict workman's case the respondent management could produce the record showing that he had not completed 240 days. But the management did not produce any record. Payment registers, Muster Roll which are available with the respondent has proof of the period and number of days of which the workman had worked would have best evidence. But in the absence of any evidence to the contrary the inference is to be drawn that workman's plea is correct and true. If any authority is needed AIR 1986 S.C. page 132 H. D. Singh Vs. R.B.I. and the same can be read in this regard. Not only this the evidence of the management is also self contradictory. Shri Mahak Singh, District Engineer when appeared as MW1 in one breath states that Suresh Kumar workman worked from 18-2-1986 to 1-4-1988 and during this period has had worked for more than 240 days. But in the same breath he again states that during the preceding 12 months from 5/87 to 4/88 he had worked only for 65 days for which there is no documentary evidence. The result thereof that there is clear violation of Section 25F of the I. D. Act, 1947.

6. In view of the facts discussed above and the circumstances case of the workman succeed and the workman stands re-instated with continuity in service. There is no cogent evidence that the workman remained unemployed or not worked any where during the above period. So it is ordered that the workman will get Rs. 5000 in lieu of back wages. The result thereof that reference is answered in favour of the workman and against the management.

Chandigarh.

ARVIND KUMAR, Presiding Officer

[No. L-40012/63/88-D.II(B)(Pt.)]

का.मा. 1010.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलेकम्युनिकेशन इंजीनियर, रोहताक के प्रबन्धन के संबंध निदेशकों और उनके कर्मचारों के बीच अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सहीगढ़ के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 8-3-91 को प्राप्त हुआ था।

S.O. 1010.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecommunication District Engineer, Rohtak and their workmen, which was received by the Central Government on 8-3-1991.

#### ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—CUM-LABOUR COURT, CHANDIGARH

I. D. No. 77/89

Jitender Nath Rai.

Vs.

Telecommunication, District Engineer, Rohtak

For the workman : Shri H. C. Dhankar.

For the management : Shri Arun Waha

#### AWARD

Central Government vide gazette notification No. L-40012/56/88(D(B), dated 2nd May, 1989 issued U/s. 10(1)(d) of the I.D. Act, 1947 referred the following dispute to this Tribunal for decision on a dispute raised by Shri Jitender Nath Rai :—

"Whether the action of the Telecommunication District Engineer, Rohtak in terminating the services of Shri Jitendra Nath Rai S/o Shri Kalp Nath casual worker w.e.f. 1-5-88 is justified, fair and legal ? If not, to what relief the worker concerned is entitled to ?"

2. Workman Jitendra Nath has alleged in his claim statement that he had worked with the respondent with effect from 3/86 to 1-5-88 continuously and have acquired the status of a permanent workman. It was also alleged that his termination is illegal and done with mala fide intention without any authority and jurisdiction. It was prayed that termination order be set aside and jurisdiction. It was prayed that termination order be set aside and the department may be asked to take him back in service with continuity and with full back wages.

3. The claim of the workman was resisted by the management raising both preliminary, legal and factual objections. The preliminary objection was taken that the claim is liable to be dismissed for non-joinder of the necessary parties the Union of India. On merits it was averred that the workman has not worked for 240 days in the preceding 12 months thus not worked continuously for one year from on the date of his termination. It was further averred that he was employed as casual labourer on daily wage basis and worked for 145 days in the preceding 12 months or one year. It was denied that the workman has obtained status of permanent workman. It was further alleged that no person junior to the workman has retained, since the workman has not worked 240 days in 12 calendar months, the contention of the workman that the provisions of Section 25-G and 25-H of the I. D. Act is contravened, hence denied. Services of the workman were terminated after completion of the expansion work and there is no job left for the applicant. One month notice was also given to the workman before termination.

4. Replication was also filed by the workman in this case. In support of his claim workman tendered his affidavit Ex. W1 in evidence and reiterated that he served as a workman in the department of telecommunication under the supervision of S.D.O. Telephone, Rohtak w.e.f. 3/86 to 1-5-1988 and has served for more than 240 days continuously and thus acquired the status of permanent workman and during his service no explanation was called nor he was issued charge sheet and no domestic inquiry was held and no notice was served upon him before terminating his services. Management has also led evidence by tendering affidavit Ex. M1 adduced by Mahak Singh, District Engineer, Rohtak who has stated that Jitendra Nath Rai has not worked 240 days in the preceding 12 months and only worked for 145 days and no junior person to the official has retained as casual labourer.

5. I have heard the parties and gone through the file. The Management has only adduced oral evidence and no documentary evidence has adduced. At the out set counsel for the workman has argued that during the period the workman has completed 240 days and the management while effecting retrenchment did not pay him retrenchment compensation and did not serve upon him any notice. Therefore, they did not comply with the provisions of section 25F of the I. D. Act, 1947 and thus his termination is illegal and unjustified. While going through the file Shri Jitendra Nath workman has categorically stated that he has served more than 240 days continuously and has acquired the status of permanent workman. In order to contradict workman's case the respondent management could produce the record showing that he has not completed 240 days. But the management did not produce any record. Payment registers, Muster Roll which are available with the Respondent has proof of the period and number of days of which the workman had worked would have best evidence, but in the absence of any evidence to the contrary the inference is to be drawn that workman's

plea is correct and true. If any authority is needed AIR 1986 S.C. page 132 H. D. Singh Vs. Reserve Bank of India and the same can be read in this regard. Not only this the evidence of the management is also self contradictory. Shri Mahak Singh, District Engineer when appeared as MW1 in one breath states that Jitendra Nath workman worked from and during this period he had worked for more than 240 days. But in the same breath he again states that during the preceding 12 months from 3/87 to 2/88 he had worked only for 145 days for which there is no documentary evidence. The result thereof that there is clear violation of section 25F of the I. D. Act, 1947.

6. In view of the facts discussed above and the circumstances case of the workman succeed and workman stands re-instated with continuity in service. There is no cogent evidence that workman remained unemployed or not worked anywhere during the above period. So it is ordered that the workman will get Rs. 5000 in lieu of back wages. The result thereof that reference answered in favour of the workman and against the management.

ARVIND KUMAR, Presiding Officer

[No. L-40012/56/88-D.II(B)(Pt.)]

का.प्र. 1011 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वये में, केन्द्रीय सरकार टेलेकम्युनिकेशन रोहतक के प्रवर्धन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच अन्वये में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, 1947 के अधिनियम को प्रमाणित करती है, जो केन्द्रीय सरकार को 8-3-91 को प्राप्त हुआ था।

S.O. 1011.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecommunication, Rohtak and their workmen, which was received by the Central Government on 8th March, 1991.

#### ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

I.D. 74/89

Chander Prakash

Vs.

Telecommunication Distt. Engg. Rohtak

For the workman—H. C. Dhankar.

For the management—Arun Walia.

#### AWARD

Central Government vide Gazette notification No. L-40012/88/88-D-2(B) dated 2nd May, 1989 issued U/s. 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for decision on a dispute raised by Shri Chandar Prakash :

"Whether the action of the Telecommunication District Engg. Rohtak in terminating the service of Shri Chandar Prakash S/o Shri Jodha Ram Casual worker w.e.f. 1st April, 1988 is justified, fair and legal? If not, to what relief the worker concerned is entitled to?"

2. Workman Chander Prakash has alleged in his claim statement that he had worked with the respondent with effect from 2nd February, 1986 to 11th April, 1987 continuously and have acquired the status of a permanent workman. It was also alleged that his termination is illegal and done with mala fide intention without any authority and jurisdiction. It was prayed that termination order be set aside and the department may be asked to take him back in service with continuity and with full back wages.

3. The claim of the workman was resisted by the management raising both preliminary, legal and factual objections. The preliminary objection was taken that the claim is liable to be dismissed for non-joinder of the necessary parties the Union of India. On merits it was averred that the workman has not worked for 240 days, in the preceding 12 months thus not worked continuously for one year from the date of his termination. It was further averred that he was employed as casual labourer on daily wages basis and worked for 157 days in the preceding 12 months or one year. It was denied that the workman has obtained status of permanent workman. It was further alleged that no person junior to the workman has retained. Since the workman has not worked 240 days in 12 calendar months. The contention of the workman that the provisions of Section 25-G & 25-H of the I.D. Act is contravened hence denied. Services of the workman were terminated after completion of the expansion work and there is no job left for the applicant. One month notice was also given to the workman before termination.

4. Replication was also filed by the workman in this case. In support of his claim workman tendered his affidavit Ex. W1 in evidence and reiterated that he served as a workman in the department of telecommunication under the supervision of S.D.O. Telephone Rohtak w.e.f. 2nd February, 1986 to 11th April, 1987 and has served for more than 240 days continuously and thus acquired the status of permanent workman and during his service no explanation was called for nor he was issued charge sheet and no domestic inquiry was held and no notice was served upon him before terminating his services. Management has also led evidence by tendering affidavit Ex. M1 adduced by Mahak Singh Distt. Engg. Rohtak who has stated that Chander Prakash has not worked for 240 days in the preceding 12 months and only worked 157 days from February 1986 to April, 1987 and no junior person to the official has retained as casual labourer.

5. I have heard the parties and gone through the file. The management has only adduced oral evidence and no documentary evidence has adduced. At the outset counsel for the workman has argued that during the period the workman has completed 240 days and the management while effecting retrenchment did not pay him retrenchment compensation and did not serve upon him any notice. Therefore, they did not comply with the provision of Section 25 of the I.D. Act 1947 and thus his termination is illegal and unjustified. While going through the file Shri Chandar Prakash workman has categorically stated that he has served more than 240 days continuously and has acquired the status of permanent workman. In order to contradict workman's case the respondent management could produced the record showing that he has not completed 240 days. But the management did not produced any record. Payment registers, Muster roll which are available with the respondent has proof of the period and number of days of which the workman had worked would have best evidence, but in the absence of any evidence to the contrary the inference is to be drawn that workman's plea is correct and true. If any authority is needed AIR 1986 S.C. page 132 H. D. Singh Vs. Reserve Bank of India and the same can be read in this regard. Not only this the evidence of the management is also self contradictory. Shri Mahak Singh Distt. Engg. when appeared as MW1 in one breath states that Chander Prakash workman worked from 2nd February 1986 to 11th April, 1987 and during this period he had worked for more than 240 days. But in the same breath he again states that during the preceding 12 months from February 1986 to April, 1987 he had worked only 157 days for which there is no documentary evidence. The result thereof that there is clear violation of Section 25 of the I.D. Act, 1947.

6. In view of the facts discussed above and the circumstances case of the workman succeed and workman stands re-instated with continuity in service. There is no cogent evidence that workman remained unemployed or not worked anywhere during the above period. So it is ordered that the workman will get Rs. 5000 in lieu of back wages. The result thereof that reference is answered in favour of the workman and against the management.

ARVIND KUMAR, Presiding Officer

[No. I-40012/88/88-D.II(B)(Pt.)]

का. धा. 1012.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेनी कम्युनिकेशन रोहताक के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-91 को प्राप्त हुआ था।

S.O. 1012.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecommunication Distt. Eng., Rohtak and their workmen, which was received by the Central Government on 8th March, 1991.

#### ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

I.D. 79/89

Ram Pat

Versus

Telecommunication, District Engineer, Rohtak.

For the workman—Shri H. C. Dhankar,

For the management—Shri Arun Walia.

#### AWARD

Central Government vide Gazette notification No. L-40012/58/88-D.II(B) dated 2nd May, 1989 issued U/s. 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for decision on a dispute raised by Shri Ram Pat :

"Whether the action of the Telecommunication District Engineer, Rohtak in terminating the services of Shri Ram Pat S/o Shri Ram Sarup, Casual worker w.c.f. 1st April, 1988 is justified, fair and legal? If not, to what relief the worker concerned is entitled?"

2. Workman Ram Pat has alleged in his claim statement that he had worked with the respondent with effect from 18th February, 1986 to 31st March, 1988 continuously and have acquired the status of a permanent workman. It was also alleged that his termination is illegal and done with mala fide intention without any authority and jurisdiction. It was prayed that termination order be set aside and the department may be asked to take him back in service with continuity and with full back wages.

3. The claim of the workman was resisted by the management raising both preliminary, legal and factual objections. The preliminary objection was taken that the claim is liable to be dismissed for non joinder of the necessary parties the Union of India. On merits it was averred that the workman has not worked for 240 days in the preceeding 12 months thus not worked continuously for one year from the date of his termination. It was further averred that he was employed as casual labourer on daily wage basis and worked for 145 days in the preceeding 12 months or one year. It was denied that the workman has obtained status of permanent workman. It was further alleged that no person junior to the workman has retained. Since the workman has not worked 240 days in 12 calendar months. The contention of the workman that the provisions of Section 25-G & 25-H of the I.D. Act is contravened hence denied. Services of the workman were terminated after completion of the expansion work and there is no job left for the applicant. One month notice was also given to the workman before termination.

4. Replication was also filed by the workman in this case. In support of his claim workman tendered his affidavit Ex. W-1 in evidence and reiterated that he served as a workman in the Department of telecommunication under the supervision of S.D.O. Telephone Rohtak w.c.f. 18th February, 1986 to 31st March, 1988 and has served for more than 240 days continuously and thus acquired the status of permanent

workman and during his service no explanation was called for nor he was issued charge sheet and no domestic inquiry was held and no notice was served upon him before terminating his services. Management has also led evidence by tendering affidavit Ex. M1 adduced by Mahak Singh District Engineer Rohtak who has stated that Ram Pat has not worked for 240 days in the preceeding 12 months and only worked for 145 days from April, 1987 to March 1988 and no junior person to the official has retained as casual labourer.

5. I have heard the parties and gone through the file. The management has only adduced oral evidence and no documentary evidence has adduced. At the outset counsel for the workman has argued that during the period the workman has completed 240 days and the management while effecting retrenchment did not pay him retrenchment compensation and did not serve upon him any notice. Therefore, they did not comply with the provisions of Section 25 of the I.D. Act 1947 and thus his termination is illegal and unjustified. While going through the file Shri Ram Pat workman has categorically stated that he has served more than 240 days continuously and has acquired the status of permanent workman. In order to contradict workman's case the respondent management could produce the record showing that he has not completed 240 days. But the management did not produced any record. Payment registers, Muster roll which are available with the respondent has proof of the period and number of days of which the workman had worked would have best evidence. But in the absence of any evidence to the contrary the inference is to be drawn that workman's pleas is correct and true. If any authority is needed AIR 1966 S.C. page 132 H. D. Singh Vs. Reserve Bank of India and the same can be read in this regard. Not only this the evidence of the management is also self contradictory. Shri Mahak Singh District Engineer when appeared as MW1 in one breath states that Ram Pat workman worked from 18th February, 1986 to 31st March 1988 and during this period breath he again states that during the preceeding 12 months he had worked for more than 240 days. But in the same from April, 1987 to March, 1988 he had worked only 145 days for which there is no documentary evidence. The result thereof that there is clear violation of Section 25-F of the I.D. Act, 1947.

6. In view of the facts discussed above and the circumstances of the case of the workman succeeds and workman stands re-instated with continuity in service. There is no cogent evidence that workman remained unemployed or not worked anywhere during the above period. So it is ordered that the workman will get Rs. 5000 in lieu of back wages. The result thereof that reference is answered in favour of the workman and against the management.

Chandigarh.

ARVIND KUMAR, Presiding Officer

[No. L-40012/58/88-D.II(B)(Pt.)]

नई दिल्ली, 14 मार्च, 1991

का. धा. 1013.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डायरेक्टर आफ पोस्टल सर्विस, पुना विधीजन के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2 बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-3-91 को प्राप्त हुआ था।

New Delhi, the 14th March, 1991

S.O. 1013.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Director of Postal Service, Pune

Postmen and their workmen, which was referred to the Central Government on 12-3-91.

### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

#### PRESENT :

Shri P. D. Apshankar, Presiding Officer.

Reference No. CGIT-2/44 of 1988

#### PARTIES :

Employers in relation to the Maangement of Postal Services. Pune Division Sr. Supdt., RMS.

#### AND

Their Workmen.

#### APPEARANCES :

For the Employer :

(1) Shri V. P. Joshi,  
Sr. Supdt., RMS 'B' Dn., Pune.

(2) Shri M. K. Bhagwat,  
Dy. S.R.M. 'B' Dn., Pune.

For the Workmen :

Shri Sharad Pandurang Joshi,  
Sorting Asstt.

INDUSTRY : P & T STATE : Maharashtra  
Bombay, dated the 13th February, 1991.

#### AWARD

The Central Government by their Order No. L-46011/14/86-D. II(B) dated 25-3-1988 have referred the following industrial dispute to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act :—

"Whether the demand of Branch Secretary, All India RMS and MMS Employees Union and Circle Secretary Bhartiya RMS and MMS Employees Union, Pune Class III, in respect of 13 mail sorters reg. extension of date of option beyond 31-5-84 for pay fixation as per special formula provided by 3rd Pay Commission is justified? If yes, to what relief the employees are entitled?"

2. The case of Bhartiya RMS AND MMS Employees Union Class III as disclosed from the statement of claim (Ex. 2) filed by its Circle Secretary, in short, is thus :—

The said Union is registered under the Trade Unions Act. The Postal Department is a department of Government of India and it is an industry covered under the Industrial Disputes Act. The present reference refers to 13 Mail Sorters regarding extension of date of option beyond 31-5-1984 for the fixation of pay as per the formula of the Third Pay Commission, and as such the pay

scales of the Central Government employees including the P & T employees were changed. At the time of fixation in new scale it came to notice that due to some anomalies some employees had to suffer monetary loss. Hence the Union made representation to the Government to remove those anomalies. The Government thereafter decided to avoid loss causing to the employees and to give the necessary benefits to them. The Third Pay Commission had recommended special fixation formula for fixation of pay in the revised scale as on 1-1-1973. The Government decided to extend this formula to persons who elect to come over to revised scales from a date subsequent to 1-1-1973 but not later than 31-12-1974 in respect of posts held by them on 1-1-1973. This time limit was extended from time to time as the anomalies existed for a long time. The last time limit was extended to 31-5-1984 to exercise the option regarding revised pay scales upto 31-12-1979 in respect of posts held by the employees on 1-1-1973. Thus the last date for exercise of the option was 31-5-1984.

(ii) However, in RMS B Division, Pune, nearly 13 employees had to suffer loss in the process of pay fixation. All these employees were Sorting Assistants. These employees desired to exercise the option. However, the Sr. Superintendent, RMS, B Division Pune issued copies of office Memo, on 5-6-1984 for circulation among the employees i.e. 5 days later after last date for exercise the option. As per Rule 151, Vol. V Explanation of Rules and Circulars, it has been made obligatory on Post Master or Record Officer to circulate the circulars within prescribed time. However, the authorities of the Postal Department did not comply with the said provisions. As such the 13 employees in question could not exercise their right of option within the prescribed period. After 5-6-1984 Senior Superintendent RMS B Division, Pune, requested some employees to sign option forms without giving any details. Some of the employees in good faith signed the blank option forms. However, some of the employees did not sign the blank option form as the necessary information was not supplied by the concerned officer. Later on, the Postmaster General refused to entertain the options of the employees in question on the ground they were submitted late.

The Union therefore urged that the action of the postal authorities in circulating the circular after 31-5-1984, i.e. after the last date for exercise of the option, is illegal and unjust, and that due to this illegal action the 13 employees in question suffered financial loss collectively to the tune of Rs. 35,000. The Union therefore prayed that this Tribunal should hold that the action of the postal authorities in circulating the circular after 31-5-1984 i.e. after the last date for exercising the option is illegal and to direct the postal authorities to fix the pay scales of 13 employees covered under this Reference from the date they have reached to the basic pay of Rs. 150 and

direct to calculate and pay the arrears with interest to the concerned employees.

3. The Senior Superintendent, RMS B Division, Pune, filed his written statement (Ex. 3) and admitted that the circular regarding exercise of the option was circulated on 5-6-1984 i.e. after the last date i.e. 31-5-1984 to exercise the option was over. The management, however, contended thus :—

Certain officials furnished the option to overcome revised scales with effect from the date mentioned against their names :—

Sl. No.	Name of the official	Pay on 1-1-73	Date from which opted revised scale
1.	Smt. Y.P. Khare	Rs. 134/-	2-1-1976
2.	Shri K.N. Shinde	Rs. 134/-	Not mentioned
3.	Smt. S.M. Rajbhoj	Rs. 134/-	1-7-75
4.	Shri V.J. Kapatkar	Rs. 134/-	Date on which pay raised to the stage of Rs. 150/-
5.	Shri L.G. Kokil	Rs. 134/-	Not mentioned
6.	Shri R.G. Lokokare	Rs. 134/-	Not mentioned
7.	Shri N.S. Rasal	Rs. 134/-	Not mentioned
8.	Shri S.G. Ghodke	Rs. 134/-	Not mentioned
9.	Shri S.K. Chaure	Rs. 130/-	Not mentioned
10.	Shri B.B. Dade	Rs. 134/-	1-1-75
11.	Shri A.M. Shaikh	Rs. 134/-	1-1-75
12.	Shri T.B. Bandichode	Rs. 134/-	1-1-75
13.	Shri D.K. Aurange	Rs. 134/-	Retired w.e.f. 29-2-1984.

The options received from the officials were submitted to the Postmaster General Maharashtra, Bombay, as the time limit for exercise of the option was already over. The Postmaster General, Bombay considered the issue and returned the options of the following officials as they failed to indicate the date from which they wanted to effect revised scale of pay :—

- (1) Shri K. N. Shinde.
- (2) Shri N. S. Rasal.
- (3) Shri S. G. Ghodke.
- (4) Shri S. K. Chaure.
- (5) Shri D. K. Aurange.
- (6) Shri L. G. Kokil.

These six persons were accordingly informed about it. The said employees had put in more than 16 years of service and they were expected to mention the date from which they desired to opt the revised scales but due to their negligence only they failed to mention about it.

4. Acceptance of the option exercised by the following employees is under consideration with the Postmaster General, Bombay :—

- (1) Shri S. M. Rajbhoj
- (2) Shri B. B. Dade

(3) Shri A. M. Shaikh.

(4) Shri T. B. Bandichode.

5. The stage at which similar cases of Smt. U. P. Khare and Shri R. G. Lokokare are already taken up on higher level is being ascertained. The option exercised by Shri V. J. Kapatkar has been accepted by the Government of India. As such out of 13 employees, issue is pending only in respect of six employees.

6. The management filed their rejoinder, i.e. further written statement (Ex. 3A) to the said statement of claim of the union or and its substance contended thus :—

Out of the options submitted by 13 employees, 7 options which were complete in all respects were accepted, while 6 options which were defective, were rejected. Out of these 6 options, one was withdrawn by the concerned official, namely, Shri S. K. Chaure. Thus 5 options were rejected as they failed to state the dates from which they were to opt for the revised scale at the time of initial submission. The six officials who failed to mention the dates at the time of initial submission were :—

- (1) Shri L. G. Kokil.
- (2) Shri K. N. Shinde.
- (3) Shri N. S. Rasal.
- (4) Shri S. G. Ghodke.
- (5) Shri D. K. Aurange.
- (6) Shri S. K. Chaure.

Further the reference made by the Central Government did not mention the names of the 13 employees covered by the reference, and as such the present reference is vague. Therefore, there is uncertainty as to who the disputants are. The management then denied the allegations of the Union that the Sr. Superintendent RMS 'B' Division, Pune had requested some employees to sign option forms without giving any details. In fact no such request either oral or in writing was made by the said officer to any of the affected employees.

7. The management further stated in their further written statement thus :—

The options of other 7 employees were accepted by the management, and those employees are :—

- (1) Shri R. G. Lokokare (2)
- (2) Shri B. B. Dade.
- (3) Shri A. M. Shaikh
- (4) Shri T. B. Bandichode
- (5) Shri V. J. Kapatkar.
- (6) Smt. S. M. Rajbhoj.
- (7) Smt. U. P. Khare.

As the options of the said 7 employees have been accepted by the management, they are entitled to the benefits arising out of the applicability of CCS (RP) Rules 1973 with effect from the dates mentioned in their options. Action to draw arrears in favour of above seven officials has already been taken and the necessary arrears would be paid to them.

8. The necessary Issues were framed at Ex. 4. Thereafter certain six employees filed their respective affidavits in support of their claim. Thereafter the management, with the permission of this Tribunal, filed additional written Statement (Ex. 38), therein contending thus :—

The 13 employees in respect of whom the conciliation proceedings were held before the Conciliation Officer from August 1986 to October 1986 were as follows :—

Name of workmen	Option accepted or rejected
1. Shri R.G. Lohokare	Accepted
2. Smt. U.P. Khare	
3. Shri V.J. Kapatkar	"
4. Shri T.B. Bandichode	"
5. Shri B.B. Dade	
6. Shri A.M. Shaikh	"
7. Smt. S.M. Rajbhoj	"
8. Shri L. G. Kokil	Rejected
9. Shri S.G. Ghodke	"
10. Shri N.S. Rasal	"
11. Shri K.N. Shinde	"
12. Shri D.K. Aurange	"
13. Shri S.K. Chaure	Rejected (But claim was withdrawn by the workman as he was promoted).

9. The management further contended thus.—In place of the original three workmen e.g. Shri A. M. Shaikh, Smt. S. M. Rajbhoj and Shri S. K. Chaure, names of three new employees appear to have been substituted, e.g. Shri P. M. Amune, Shri S. M. Gavade and Shri M. T. Chitare. Options of these 3 employees were not rejected before the dispute was raised and the conciliation proceedings were started. Options in respect of the employees at S. Nos. 3, 4, 6, 8, 9, 10 and 12 in the said list were accepted and the conciliation proceedings were held only in respect of the employees at S. Nos. 1, 2, 5, 7 and 11. The employee at S. No. 13 namely Shri S. K. Chaure had withdrawn the dispute as he was promoted. The employees at S. Nos. 1, 2, 5, 7 and 11 in the said list had exercised their option late, and therefore their options were rejected due to some defects in their option forms. As regards the three employees not covered by the conciliation proceedings Shri P. M. Amune filed his application for the first time on 18-8-88, which was rejected as it was in-ordinately delayed. The other employee Shri S. M. Gavade submitted his application on 23-8-88, which was also rejected as the column for the date from which option was to be exercised was kept blank and the third employee Shri M. T. Chitare did not exercise his option at all. These three employees are not entitled to any relief in the present reference, as they were not the original disputants before the Conciliation Officer.

The management therefore contended that the present reference be proceeded only in respect of

employees at S. Nos. 1, 2, 3, 7 and 11 of the said list.

10. The Issues framed at Ex. 4 are :—

- (1) Whether the Office Memorandum that the last date to exercise the option was fixed as on 31-5-1984, was circulated amongst the employees on 5-6-1984, especially amongst the 13 employees in question?
- (2) Whether the employee Shri L. G. Kokil and five others failed to mention the dates from which the option was to be exercised?
- (3) Whether the demand of Branch Secretary, All India RMS and MMS Employees Union and Circle Secretary, Bharatiya RMS and MMS Employees Union, Pune Class III, in respect of 13 mail sorters reg. extension of date of option beyond 31-5-1984 for pay fixation as per special formula provided by 3rd Pay Commission was justified?
- (4) If yes, to what relief the employees are entitled?
- (5) What Award?

11. My findings on the said Issues are :—

- (1) Yes.
- (2) Initially failed.
- (3) Yes.
- (4) As mentioned below.
- (5) As mentioned below.

### REASONS

12. Certain six employees have filed their respective affidavits in support of their case. They were cross-examined on behalf of the management. No oral evidence was led on behalf of the management. It is true that when the original reference was made by the Central Government to this Tribunal, the schedule of reference did not contain the names of 13 mail sorters in respect of whom the reference is to be decided. Hence this Tribunal asked the Ministry of Labour to send the necessary list of workmen concerned. Accordingly a list of 13 workmen was sent by the Ministry of Labour which has been signed by the Assistant Labour Commissioner (C), Pune. It seen from the reply that the following 13 workmen are involved in the present reference.

	Sorting Asstt.
(1) Shri L. G. Kokil	
(2) Shri S. G. Ghodke	-do-
(3) Shri R. G. Lohokare	-do-
(4) Shri P. M. Amune	-do-
(5) Smt. U. P. Khare	-do-
(6) Shri N. S. Rasal	-do-
(7) Shri V. J. Kapatkar	-do-
(8) Shri S. M. Gavade	-do-
(9) Shri K. N. Shinde	-do-
(10) Shri T. B. Bandichode	-do-
(11) Shri D. K. Aurange	-do-
(12) Shri B. B. Dade	-do-
(13) Shri M. T. Chitare	-do-

It is urged on behalf of the management in their additional written statement that the 3 employees by name S/Shri P. M. Amune, S. M. Gawade and M. T. Chitare are not concerned with the present reference, that their names have been newly added, and as such their names be deleted and the reference be proceeded with in respect of other workmen only. However, as can be seen from the list of 13 workmen furnished by the Assistant Labour Commissioner before whom the conciliation proceedings were held and ended in failure, the said three workmen S/Shri Amune, Gawade and Chitare are appearing in that list of 13 workmen. As such the reference to proceed concerning the 13 workmen mentioned in the said list including the said three workmen.

13. Ex. 18 is a copy of Office Memorandum dated 13-3-1984 issued by the Government of India, Ministry of Finance. As per this Office Memo. the employees who wanted their pay to be fixed in the revised scale from a date not later than 31-12-1979 were allowed time upto 31-5-1984 to communicate their option in regard to the date from which they wanted their pay to be fixed in the revised scale. Ex. 19 is a copy of letter dated 17-9-1987 by the Post Master General, Maharashtra Circle, Bombay to the Director General (APP) Department of Posts, New Delhi. It is seen from this letter that the Office Memo. regarding exercise of the option was circulated among the staff on 5-6-1984 i.e. after the last date, i.e. 31st May 1984, for exercise of the option was over. This letter further states that the employees had made representation in that respect not immediately, but two years thereafter, i.e. in 1986, and hence further directions were sought from the department. Thus the Office Memo. regarding the exercise of the option was admittedly circulated on 5-6-1984, i.e. after the due date was over. Issue No. 1 is therefore found in the affirmative.

14. As noted above, the present reference refers to 13 employees whose names have now been furnished by the Assistant Labour Commissioner (C), Pune on behalf of the Central Government. Those names have been mentioned in para 12 above. Ex. 21 is a letter by the Assistant Director General (E) Government of India, Department of Posts, New Delhi to the Post Master General, Bombay. This letter states that the option of the workman Shri V. J. Kapatkar has been accepted by the President of India. Ex. 22 is a copy of letter dated 7-12-1988 from the Director General to the Post Master General, Bombay. This letter states that the options of six employees mentioned therein viz., :—

1. Smt. S.M. Rajbhoj.
2. Shri R. G. Lohokare.
3. Shri B. B. Dade.
4. Shri A. M. Shaikh.
5. Shri T. B. Bandichode.
6. Smt. U. P. Khare.

have already been accepted by the President of India. It is seen from the said letter (Ex. 22) that the options of the employees Smt. S. M. Rajbhoj and Shri A. M. Shaikh have already been accepted by the president of India. However, these two employees

are not covered by the reference in question i.e. the names of these two employees are not appearing in the list of 13 workmen.

15. Out of the 13 workmen in question, the options of five workmen covered by the present reference have already been accepted by the President of India. Therefore, the other 8 employees who are covered by the present reference but whose options have not been accepted are :—

- (1) Shri L. G. Kokil.
- (2) Shri S. G. Ghodke.
- (3) Shri P. M. Amune.
- (4) Shri N. S. Rasal.
- (5) Shri S. M. Gawade.
- (6) Shri K. N. Shinde.
- (7) Shri D. K. Aurange.
- (8) Shri M. T. Chitare.

According to the workmen, initially their signatures were obtained by the management on the blank option forms without giving any details. According to the management, the employees in question themselves did not mention the dates in the option forms and only put their signatures on the blank option forms. Whatever it may be, the five employees covered by the Reference, and whose option forms contain the dates of option, but whose options have not so far been accepted are thus :—

The workman Shri L. G. Kokil exercised his option with effect from 8-5-1976 (Ex. 23). Shri S. G. Ghodke exercised his option from 5-1-1976 (Ex. 24), Shri N. S. Rasal exercised his option from 1-5-1976 (Ex. 25). Shri K. N. Shinde exercised his option with effect from 5-1-1976 (Ex. 26) and Shri D. K. Aurange exercised his option from 1-5-1976]

The workman Shri S. M. Gawade covered by the present reference, though signed the option form, did not mention the date from which he elected to the revised scale (Ex. 25A). The other two workmen S/Shri P. M. Amune and M. T. Chitare have not filed their option forms. As the options of the five workmen mentioned above have been accepted by the President of India, the management should now make the necessary calculations in respect of those five employees and should pay the necessary dues at the earliest. It is seen from the record that time was extended from time to time to exercise the option upto 31-5-1984. Therefore as the five employees who exercised their option later on i.e. after 31-5-1984, the management should allow them in the interests of justice to exercise their option from the dates now appearing in their respective option forms, should make the necessary calculations and should pay them the amount of difference of pay at the earliest.

16. As noted above, the option forms of the workmen Shri P. M. Amune and Shri M. T. Chitare are not on record. Further the workman Shri S. M. Gawade's option form is on record but he did not mention the date of option in his form. In case these workmen viz Shri P. M. Amune, Shri M. T. Chitare and Shri S. M. Gawade exercise their options even now, the management should allow them to exercise their options from the dates to be mentioned by them in their respective option forms, and should



make calculations and pay them the necessary amounts due at the earliest Issue No. 2 is therefore found accordingly. Issue No. 3 is found in the affirmative and Issue 4 and 5 are found as mentioned above.

Award accordingly.

Parties to bear their own costs of this Reference. 13-2-1991.

P. D. APSHANKAR, Presiding Officer  
[No. L-40011 14 86-D.II(B)(Pt.)]

का. मा. 1011—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सोनियर सुपरिन्टेण्डेंट आफ पोस्ट आफिस कोटा के प्रबन्धन के संबंध नियोजका और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोटा के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-3-91 को प्राप्त हुआ था।

S.O. 1014.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Kota as shown in the Annexure in the industrial dispute between the employers in relation to the management of Sr. Supdt. of Post Office, Kota and their workmen, which was received by the Central Government on 12-3-91.

न्यायाधीश. औद्योगिक न्यायाधिकरण, कोटा राजस्थान/निर्देश प्रकरण क्रमांक. ओ. न्या. रे. (केन्द्रीय)-4/1990 दिनांक स्थापित 25/1/90  
प्रसंग : भारत सरकार, श्रम मंत्रालय के आदेश संख्या एल-40012/38/89-डी-2(बी) दिनांक 18/1/90.

औद्योगिक विवाद अधिनियम 1947

मध्य

हजारीलाल द्वारा मंचिव, भारतीय ई. डी. कर्मचारी यूनियन धनमण्डी, कोटा।

—प्रार्थी श्रमिक

एव

सोनियर सुपरिन्टेण्डेंट, पोस्ट आफिस भीमगज मण्डी, कोटा।

—प्रतिपक्षी नियोजक

उपस्थित

श्री जगदीश प्रसाद,

आर. एच. जे. एम.

प्रार्थी श्रमिक की ओर से प्रतिनिधि—श्री बद्रीलाल कर्ण  
प्रतिपक्षी नियोजक की ओर से—कोई उपस्थित नहीं  
अधिनिर्णय दिनांक 7 फरवरी 1991

अधिनिर्णय

भारत सरकार, श्रम मंत्रालय द्वारा निम्न निर्देश औद्योगिक विवाद अधिनियम, 1947 की धारा 10(1)(घ) एवं उपधारा (2-क) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रेषित किया गया है—

“Whether the action of the Sr. Superintendent of the Post Offices, Kota in terminating the services of Sh. Hajarilal Sen, Branch Post Master, Bhavpura (Chippa Board) Distt.

Kota w.o.f. 13-3-89 is justified? If not, what relief the workman is entitled to?”

2 निर्देश न्यायाधिकरण में प्राप्त होने पर दर्ज रजिस्टर किया गया व पक्षकारों को नोटिस जारी किए गए।

3 आज इस प्रकरण में प्रार्थी की ओर से क्लेम पेश किए जाने हेतु नारोख नियत थी परन्तु प्रार्थी श्रमिक प्रतिनिधि श्री बद्रीलाल कर्ण ने उपस्थित होकर प्रार्थना की कि इस मामले में श्रमिक कोई कार्यवाही नहीं चाहता अतः विवाद रहित अधिनिर्णय पारित कर दिया जाए। श्रमिक स्वयं भी आज उपस्थित नहीं है और न उसकी ओर से क्लेम स्टेटमेंट प्रस्तुत हुआ है, अतः इन समस्त परिस्थितियों में इस प्रकरण में “विवाद रहित अधिनिर्णय” पारित किया जाता है।

इस अधिनिर्णय को भारत सरकार श्रम मंत्रालय को नियमानुसार प्रकाशनार्थ भिजवाया जाए।

[एल-40012/38/89-डी 2 (बी) (भाग)]

जगदीश प्रसाद, न्यायाधीश

का. मा. 1015—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सोनियर सुपरिन्टेण्डेंट आफ पोस्ट आफिस, कोटा के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोटा के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-3-91 को प्राप्त हुआ था।

S.O. 1015.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Kota as shown in the Annexure in the industrial dispute between the employers in relation to the management of Sr. Supdt. of Post Office, Kota and their workmen, which was received by the Central Government on 12-3-91.

न्यायाधीश. औद्योगिक न्यायाधिकरण, कोटा राजस्थान निर्देश प्रकरण क्रमांक. ओ. न्या. रे. (केन्द्रीय)-3/1990 दिनांक स्थापित 25/1/90

प्रसंग : भारत सरकार, श्रम मंत्रालय के आदेश संख्या एल-40012/38/89-डी-2 (बी) दिनांक 19/1/90

औद्योगिक विवाद अधिनियम, 1947

मध्य

पी. के. शर्मा द्वारा मंचिव, भारतीय ई. डी. कर्मचारी यूनियन कोटा।

—प्रार्थी श्रमिक

एव

सोनियर सुपरिन्टेण्डेंट, पोस्ट आफिस भीमगज मण्डी, कोटा।

—प्रतिपक्षी नियोजक

उपस्थित

श्री जगदीश प्रसाद,

आर. एच. जे. एम.

प्रार्थी श्रमिक की ओर से प्रतिनिधि—श्री बद्रीलाल कर्ण  
प्रतिपक्षी नियोजक की ओर से—कोई उपस्थित नहीं  
अधिनिर्णय दिनांक 7 फरवरी 1991

अधिनिर्णय

भारत सरकार, श्रम मंत्रालय द्वारा निम्न निर्देश औद्योगिक विवाद अधिनियम, 1947 की धारा 10(1)(घ) एवं उपधारा (2-क) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रेषित किया गया है—

"Whether the action of Sr. Supdt. of Post Office Kota in transferring Sh. P. K. Sharma, Treasurer of Bhartiya E. D. Karamchhari Union, Kota from Kota to Bhawanimandi on 6-12-88 is justified? If not, to what relief the workman is entitled to?"

## AWARD

Dated : February 25, 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-40012/11/88-D.II(B) dated 23rd March, 1989, for adjudication of the following dispute :—

"Whether the management of Divisional Engineer, Telegraphs Amravati justified in not regularising the services of Shri Davendra Eknath Falke, a casual labour under sub-Divisional Officer, Telegraphs, Khangaon? If not, to what relief the workman concerned is entitled to,"

2. The reference order was sent by the Central Government to the parties by registered post. On receipt of the Reference this Tribunal has also issued notices to the parties to file their respective statement of claims etc. But both the parties remained absent and did not participate in the proceedings. Even they did not file any statement of claim. Only once Shri L. J. Hiralkar appeared on behalf of the management on 28-12-1990.

3. This case was registered on 4-4-1989 and about two years have already been passed, but despite notices no statement of claim has been filed by either party. It appears that the workman is not interested in the case. I therefore record a No Dispute Award. 25-2-1991.

[No. L-40012/11/88-D.II(B)(Pt.)]  
V. N. SHUKLA, Presiding Officer.

का. मा. 1017:—औद्योगिक विवाद अधिनियम, 1947 (1917 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेट्रोलॉजी नैस डिपो जबलपुर के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-3-91 को प्राप्त हुआ था।

S.O. 1017.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Ordnance Depot, Jabalpur and their workmen, which was received by the Central Government on 12-3-1991.

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT. JABALPUR (M.P.)

Case No. CGIT|LC(R)(164)|1989

## PARTIES :

Employers in relation to the management of Central Ordnance Depot, Jabalpur and their workman Shri Chandrabhan, T. No. 4961, represented through the General Secretary, Depot Kamgar Union, Central Ordnance Depot, Jabalpur (M.P.).

2. निर्देश न्यायाधिकरण में प्राप्त होने पर वर्ज रजिस्टर किया गया व पक्षकारों को नोटिस जारी किए गए।

3. आज इस प्रकरण में प्रार्थी की ओर से क्वेम पेश किए जाने हेतु तारीख नियत थी, परन्तु प्रार्थी अधिक प्रतिनिधि श्री बद्रीलाल कर्ण ने उपस्थित होकर प्रार्थना की कि इस मामले में अधिक कोई कार्यवाही नहीं चाहता, अपर विवाद रहित अधिनियम पारित कर दिया जाए। अधिक स्वयं भी आज उपस्थित नहीं है और न उसकी ओर से क्वेम स्टेटमेंट प्रस्तुत हुआ है, अतः इस मगरत परिस्थिति में इस प्रकरण में "विवाद रहित अधिनियम" पारित किया जाता है।

इस अधिनियम को भारत सरकार, इस सत्रण को नियमानुसार प्रकाशनार्थ भिजवाया जाए।

जगदीश प्रसाद, न्यायाधीश

[स एन-10012/39/89-डी-2 (बी) (पार्टे)]

का. मा. 1016:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डिबीजनल इंजीनियरिंग टेरीग्रफ्स, अमरावती के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-3-91 को प्राप्त हुआ था।

S.O. 1016.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Divisional Eng. Telegraphy Amravati and their workmen, which was received by the Central Government on 12-3-1991.

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT. JABALPUR (M.P.)

Case No. CGIT|LC(R)(74)|1989.

## PARTIES :

Employers in relation to the management of Sub-Divisional Officer, Telegraph Khargaon, Amravati and their workman Shri Davendra Eknath Falke represented through the Vice President, All India Telegraph Engineering Employees Union Class III, Amravati-444602(MS).

## APPEARANCES :

For Workman—None.

For Management—None.

INDUSTRY : Telegraphs DISTRICTS : Amravati (M.S.)

## APPEARANCES :

For Workman—Shri R. K. Gupta, Advocate.

For Management—Shri R. K. Shukla, Advocate.

INDUSTRY : Ordnance Depot DISTRICT : Jabalpur  
(M.P.)

## AWARD

Dated : February 28, 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-14012/13/86-D.II(B) dated 2-9-1987, for adjudication of the following dispute :—

Whether the action of the management of Central Ordnance Depot, Jabalpur in terminating Shri Chandrabhan, T. No. 4961, temporary labourer from service with effect from 12-5-86 is legal and justified? If not, to what relief is the concerned workman entitled?"

2. Workman concerned was an employee of the management and was appointed as a temporary labourer on 30-10-1982 on compassionate grounds. His services were determined with effect from 12-5-1986.

3. Workman says that since November, 1982 till his termination of services he had completed 240 days continuous service within the meaning of Sec. 25B of the Industrial Disputes Act. His services could not be determined without retrenchment compensation under Sec. 25F of the I.D. Act. He is, therefore, entitled to be reinstated with full back wages.

4. Management says that it is not an industry within the meaning of Sec. 2(i) of the I.D. Act because C.O.D. stocks, preserves vehicles, Arms and Ammunition for the Armed forces and issues them to Units/E Establishments whenever the need arises. No manufacturing process is undertaken in C.O.D. Jabalpur.

5. On completion of 3 years service, the applicant's case was reviewed for according quasi-permanent status under the provisions of Rule 3, but his case was not recommended. Thus he remained on temporary basis. He had unsatisfactory performances of work. On earlier occasion the workman was served with notice of termination on 18-11-1985. On receipt of the notice he submitted a mercy petition to the Commandant C.O.D. Jabalpur requesting for leniency and pleading for retention in service. His petition was accepted and he was permitted to continue in service. Since he failed to give satisfactory performance of duty his services were finally terminated on 12-5-1986 by giving a termination notice on 12th April, 1986 as per Rules.

6. The petitioner has also filed an application under Sec. 19 of the Administrative Tribunal Act and the case is fixed for final arguments. The petition is therefore liable to be rejected.

7. Reference was the Issue in this case.

8. Workman has examined D.P. Vaidya as W.W. 1 and himself as W.W. 2. No evidence was led on behalf of the management.

9. There is no evidence on record to show that the services of the workman were terminated on account of the I. D. Act as has been held in the case of any departmental enquiry was held against the workman concerned. It would, therefore, be a retrenchment simpliciter within the meaning of Sec. 2(oo) of the I.D. Act as has been held in the case of State Bank of India Vs. Shri N. Sundara Money (AIR 1970 SC page 1111), relevant para reads as under :—

"What follows ? Had the State Bank known the law and acted on it, half a month's pay would have concluded the story. But that did not happen. And now, some years have passed and the Bank has to pay, for no service rendered. Even so, hard cases cannot make bad law. At what point: In the particular facts and circumstances of this case, the respondent shall be put back where he left off, but his new salary will be what he would draw were he to be appointed in the same post today de novo. As for benefits, if any, flowing from service he will be ranked below all permanent employees in that cadre and will be deemed to be a temporary hand upto now. He will not be allowed to claim any advantages in the matter of seniority or other priority inter se among temporary employees on the ground that his retrenchment is being declared invalid by this Court."

10. He is a labourer and would be a workman within the meaning of Sec. 2(s) of the I.D. Act in case it is held that the management is an industry within meaning of Sec. 2(j) of the I.D. Act. Whether the management is an industry within the definition of S. 2(j) of I.D. Act has been discussed in great details in the case of Bangalore Water Supply & Sewerage Board Vs. A. Rajappa AIR 1978 SC 969) para 172, relevant part of which is as under :—

"Items 8, 11, 12, 17 and 18 of the first Schedule read with section 2(n)(vi) of the Industrial Disputes Act render support to this view. These provisions which were described in Hospital Mazdoor Sabha (AIR 1960 SC 610) as 'very significant' at least show that conceivably, a Defence Establishment, a Mint or a Security Press can be an industry even though these activities are, ought to be and can only be undertaken by the State in the discharge of its constitutional obligations or functions. The State does not trade when it prints a currency note or strikes a coin. And yet, considering the nature of the activity, it is engaged in an industry when it does so."

It has also been held by M.P. High Court in M.P. No. 1969/83 Rajendra Naidu Vs. Union of India and

two others that such type of industries are industries, within the definition of the I.D. Act and obviously for this reason the Government of India has referred the dispute to this Tribunal. This Court has also repeatedly held that Gun Carriage Factory, Vehicle Factory and Ordnance Factories are 'industries' within the definition of Sec. 2(i) of the I.D. Act. Thus the establishments of Central Ordnance Depot comes within the definition of Industry under the I.D. Act and as such the workman concerned is a workman of the said industry within the meaning of Sec. 2(s) of the I.D. Act.

11. I have already pointed out that this is a case of retrenchment simpliciter as pointed out by various judgments (See Sundramoney's case supra). That being so, the provisions of Sec. 25F of the I.D. Act are attracted. Thus his removal from service is void ab initio and is liable to be set aside. It follows that he would be deemed to be in continuous service and further be entitled to all the back wages and consequential benefits.

12. There is no material to show that some case is pending before the Administrative Tribunal. I accordingly answer the reference as follows :—

That the action of the management of Central Ordnance Depot, Jabalpur in terminating Shri Chandrabhan, T. No. 4961, temporary labourer from service with effect from 12-6-86 is illegal and unjustified. He is entitled to reinstatement with effect from 12-5-1986 as temporary labourer with all back wages and consequential benefits. No order as to costs.

28-2-1991.

V. N. SHUKLA, Presiding Officer  
[No. I-14012/13/86-D-II(B)(Pt.)]

का. आ. 1018 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्जित फौजदारी, जबलपुर के प्रबन्धक के संलग्न नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद से केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर को पेशकश की प्रकाशित करती है, जो केन्द्रीय सरकार की 12-3-91 को प्राप्त हुआ था।

SO. 1018.—In pursuance of Section 71 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Ordnance Factory, Jabalpur and their workmen, which was received by the Central Government on 12-3-1991.

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT.

JABALPUR (M.P.)

CASE NO. CGIT/LC(R)(67)/1987

PARTIES :

Employers in relation to the management of Ordnance Factory, Jabalpur and their workman

Shri Ramsamairan Soni, Labour C/o Mukesh Jewellers, Jhanda Chowk, Purani Basti, Ranjhi, Post Azad Nagar, Ranjhi, Jabalpur (M.P.).

APPEARANCES .

For Workman—Shri R. K. Gupta, Advocate.

For Management—Smt. J. Choudhary, Advocate.

INDUSTRY : Ordnance DISTRICT : Jabalpur (M.P.)

AWARD

Dated : February 28, 1991.

This is a reference made by the Central Government, Ministry of Labour, vide Notification No. I-14012/13/86-D-II(B) dated 22-5-1987, for adjudication of the following dispute :—

"Whether the action of the management of Ordnance Factory, Jabalpur in terminating the services of Shri Ramsamairan Soni, Labour w.e.f. 25-11-1985 is legal and justified? If not, to what relief the concerned workman is entitled to and from what date?"

2. Undisputed facts of the case are that the workman was appointed as a temporary labourer on 28-7-1979. He was absent from his duties from 13-10-1981 to 11-12-1983 and resumed his duties from 12-10-1983. His services were terminated with effect from 25-11-1985.

3. According to the workman, his services were terminated without any departmental enquiry. It amounts to retrenchment simpliciter and violative of the provisions of Sec. 25F of the I.D. Act.

4. Management has stated that the workman suddenly absented himself from duty without any leave during the period 13-10-81 to 11-12-83. He could not give any satisfactory reason for his unauthorised absence for 26 months. No medical certificate to cover this period of absence was received except the following :—

(i) One OPD Ticket dated 28-12-1981 issued by the medical Officer, Civil Dispensary Ranjhi, Jabalpur referring the applicant to Psychiatry OPD Medical Collage, Jabalpur.

(ii) One medical certificate dated 10-12-1983 issued by one Dr. S. K. Mazumdar, RMP, declaring the applicant fit to resume duty w.e.f. 10 Dec. 1983.

The workman was in continuous service only for 2 years, 2 months and 24 days. He therefore did not attain the status of quasi-permanency. Hence the action of the management to terminate the services of the applicant under Rule 5(1) of C.C.S. (Temporary Services) Rules, 1965 is legally valid.

5. Central Ordnance Depot is not an 'Industry' within the meaning of the I.D. Act and this Tribunal has no jurisdiction to adjudicate upon this reference. Reference is accordingly liable to be rejected.

6. The following issues were framed and my findings are recorded accordingly.

### ISSUES

1. Whether the action of the management in terminating the services of Shri Ramsumairan Soni w.e.f. 25-11-1985 is legal and justified ?
2. Whether this Court has no justification to entertain this dispute?
3. Relief and costs.

### REASONS FOR MY FINDINGS :

7. Issue No. 2 :—In view of the Hon'ble Supreme Court Judgment, Bangalore Water Supply & Sewerage Board Vs. A. Rajappa (1978 AIR (SC) p. 969, para 172) the defence establishments are industries within the meaning of Sec. 2(j) of the I.D. Act. The relevant part of the judgment is as under :—

“Items 8, 11, 12, 17 and 18 of the first Schedule read with section 2(n)(vi) of the Industrial Disputes Act render support to this view. These provisions which were described in Hospital Mazdoor Sabha (AIR 1960 SC 610) as ‘very significant’ at least show that conceivably, a Defence Establishment, a Mint or a Security Press can be an industry even though these activities are, ought to be and can only be undertaken by the State in the discharge of its constitutional obligations or functions. The State does not trade when it prints a currency note or strikes a coin. And yet, considering the nature of the activity, it is engaged in an industry when it does so”.

Ordnance Factory is very much a defence establishment. It has also been held by the M. P. High Court in M.P. No. 1969/83 Rajendra Naidu Vs. Union of India and two others that such type of industries are ‘industries’ within the definition of the I.D. Act and obviously for this reason the Government of India has referred the dispute to this Tribunal, for adjudication. Ordnance Depot stocks Arms and Ammunition for defence purposes as is done in the case of Food Corporation of India. They are well covered within the definition of Industry under Sec. 2(i) of the I.D. Act. I need not go into the detailed explanation of the same. This view has been taken by me in number of cases. In the same way a workman is a workman within the meaning of Sec. 2(s) of the I.D. Act and this being an industrial dispute this Tribunal has jurisdiction to try this reference. I hold accordingly.

7. Issue No. 1:—The workman had worked for more than one years continuous service as envisaged under Sec. 25-B of the I.D. Act. There is nothing on record to show that his services were terminated on the ground as alleged by the management. No evidence has been led by the management. Though the workman has stated that some departmental enquiry was held and the findings were in favour of the workman, but there is no pleading to this effect from either side. I therefore need not go into that part of evidence.

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8. Thus it becomes a case of retrenchment simpliciter as envisaged under Sec. 2(oo) of the I.D. Act and in disregard to the provisions of Sec. 25-F of the I.D. Act. It is certainly nobody's case that the provisions of Sec. 25-F of the I. D. Act were complied and the workman was given compensation as envisaged (See State Bank of India Vs. N. Sundara Money—AIR 1976 SC 1111; Santosh Gupta Vs. State Bank of Patiala AIR 1980 SC 1219; Mohan Lal Vs. The Management of M/s. Bharat Electronics Ltd. AIR 1981 SC 1253; Management of Karnataka State Road Transport Corporation, Bangalore Vs. M. Boraiah and another AIR 1983 SC p. 1320).

9. Before departing with the judgment I must point out that according to the management the workman absented from duty from 13-10-1981 to 11-12-1983, but thereafter also he was in continuous service upto 25-11-1985 which follows that even after his alleged misconduct he was in continuous service for more than one year.

10. The result is that the order of termination of the workman from service with effect from 25-11-85 is not legal and cannot be justified. It is void ab initio. Workman is entitled to reinstatement with full back wages and all consequential benefits. Reference is answered accordingly. No order as to costs.

28-2-1991.

V. N. SHUKLA, Presiding Officer  
[No. L-14012/3/86-D II(B)(P)t.]

K. V. B. UNNY, Desk Officer

नई दिल्ली, 15 मार्च, 1991

का. प्रा. 1019 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, में, टाटा प्रायम एण्ड स्टील की. लि. का वेस्ट बोकारो कोलियरी के प्रबन्धन से संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं. 1 धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-3-91 को प्राप्त हुआ था।

New Delhi, the 15th March, 1991

S.O. 1019.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1) Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of West Bokaro Colliery of M/s. TISCO Ltd. and their workmen, which was received by the Central Government on the 12-3-91.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE NO 137 OF 1989

PARTIES :

Employers in relation to the management of West Bokaro Colliery of M/s Tisco, Limited.

AND

Their workmen.

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

On behalf of the employers.—Shri B. Joshi, Advocate.

On behalf of the workmen.—Shri J. P. Singh, Advocate.

State : Bihar

Industry : Coal.

Dated, Dhanbad the 27th February, 1991

AWARD

The present reference arises out of Order No. L-20012(168)/89-I. R. (Coal-1), dated, the 3rd November, 1989 passed by the Central Government in respect of an Industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the Schedule to the said order and the said schedule runs as follows :

“Whether the dismissal of Shri Baliram Bhuiyan by the management of West Bokaro Colliery of Tisco. Ltd. with effect from 31-5-1986 is justified ? If not, to what relief is the workman entitled ”

2. The case of the management of West Bokaro Colliery, as disclosed in the W.S. submitted, details apart is as follows :—

The present reference is not legally maintainable. Sri Baliram Bhuiyan, the concerned workman entered into an arrangement with Sita Bhuiya, a permanent Coal Loader and got himself registered as dependant son-in-law of Sita Bhuiya in the Employers' Dependants Register on 7-6-80 and secured employment as substitute worker on 16-9-80 and became permanent with effect from 16-4-84. Shri Sita Bhuiyan had been working as a permanent Coal Loader with effect from 31-1-84 and became eligible, after completion of 15 years of service, to get one of his dependant enrolled for employment under the management. A written complaint was received by the management on 30-6-85 from Sri Tej Narayan Bhuiyan, son of Sita Bhuiyan that the concerned workman was not the son-in-law of his father Sita Bhuiyan. Thus the concerned workman was not the son-in-law of his father Sita Bhuiyan. Thus the concerned workman influenced his father and surreptitiously entered into the service by practising fraud both on the company and on the family members of Sita Bhuiyan. Smt. V. Gandhi, Personnel Officer of the Colliery was entrusted with the duty of enquiring into the complaint of Shri Tej Narayan Bhuiyan. She recorded the statement of the concerned workman and Sita Bhuiya on 25-12-85. The concerned workman stated that he married Smt. Tara Devi who was daughter of the uncle of Sita Bhuiyan. Thus the concerned workman married the cousin sister of Sita Bhuiya. Shri Sita Bhuiyan also gave his statement stating that he has two sons, Sri Narain and Rambrich and son-in-law Sri Purn Ram and Bharat Bhuiyan. He admitted that the concerned workman is not his son-in-law but the son-in-law

of his uncle, i.e. his father's brother. In the circumstances, the concerned workman was issued with a chargesheet dated 21-1-1986 on the allegation of fraudulently securing employment as son-in-law of Sita Bhuiya although he was not his son-in-law. He was not eligible for employment as dependant of Sita Bhuiyan. The concerned workman submitted his reply to the chargesheet asserting that he was the son-in-law of Sita Bhuiya and did not commit the misconduct as alleged in the chargesheet. Shri Praful Kumar, Personnel Officer of West Bokaro Colliery was appointed as Enquiry Officer who conducted the departmental enquiry into the chargesheet. The enquiry officer held the enquiry after giving notice to the concerned workman and to the management. The concerned workman participated in the enquiry. Shri P. Akhauri, the representative of the management appeared as witness produced several items of documents which were marked Ext. M-1 to M-5. The concerned workman was given full opportunity to cross-examine the management's witness but he declined to do so. He gave his statement and was cross-examined. He did not produce any document in support of his defence nor did he produce any witness. The Enquiry Officer conducted the enquiry in accordance with the principles of natural justice. The concerned workman did not raise any objection against the procedure of enquiry followed by the Enquiry Officer. Considering the materials on record the Enquiry Officer gave his finding holding the concerned workman guilty of the misconduct. He forwarded the report of enquiry along with the enquiry proceeding to the Manager of the Colliery who forwarded the same to the Agent of the Mine with his recommendation for his dismissal. The Agent of the colliery considered all materials on record and passed the order of dismissal. The concerned workman was dismissed from service by letter dated 23/26-5-1986 issued under the signature of the Agent of the Colliery. In the circumstances, the management has submitted that its action in dismissing the concerned workman is legal, bonafide and justified

3. The case of the concerned workman, as appearing in the Written Statement submitted by him, is as follows :—

He was appointed as Coal Loader in West Bokaro Colliery in the year 1980 as dependant of another workman Sri Sitaram Bhuiyan who had completed for more than 15 years of service in West Bokaro Colliery. The management of West Bokaro Colliery issued a circular long ago in terms of which a workman having a length of service of 15 years is entitled to employment of one dependant in the colliery and for this purpose the workman had to get his dependant enrolled. Sitaram Bhuiyan enrolled the name of the concerned workman Baliram Bhuiyan as a dependant son-in-law married to his daughter Smt. Tara Devi alias Taramati Devi. The management received no objection from anybody challenging the enrolment of the concerned workman by Sitaram Bhuiyan. In course of time the concerned workman was employed as Coal Loader in 1980. An affidavit was sworn in by Sitaram Bhuiyan in the Court of Sub-Divisional Magistrate, Sadar Hazaribagh in

which he had solemnly declared that the concerned workman Shri Baliram Bhuiyan, a resident of village Bishunpur, P. S. Siswa, District Gorakhpur U.P. was his son-in-law. It was after this affidavit that Sitaram Bhuiya got enrolment of the concerned workman as his dependant son-in-law for appointment in the colliery. The wife of Sitaram Bhuiyan complained before the management much later that a daughter Smt. Tara Devi alias Taramati Devi was not married to the concerned workman and that the concerned workman was not her son-in-law. This she did in order to secure employment for his son. The concerned workman was charged under clause 27(2) of the Certified Standing Order of the Colliery for fraud. The enquiry proceeding was conducted in which the concerned workman participated. The enquiry officer found the concerned workman guilty of the charge. The management upon consideration of the enquiry report dismissed him from service. The concerned workman represented for setting aside the order of dismissal but when nothing came out of such representation he raised an industrial dispute which resulted into the present reference. The domestic enquiry was unfair and improper because it was not consistent with natural justice. A preliminary enquiry was held in the matter of employment of the concerned workman and the report of the preliminary enquiry was placed on the record of domestic proceeding. But none of the witnesses examined during the preliminary enquiry were examined during the domestic proceeding. The report of the preliminary enquiry therefore cannot be regarded as an evidence in support of the finding made in the preliminary enquiry. The wife of Sitaram Bhuiyan who made the complaint was not examined as witness. The Enquiry Officer did not examine any witness in support of the claim of the wife of Sitaram Bhuiyan to show that the concerned workman was not married to her daughter Smt. Tara alias Taramati Devi. The Enquiry Officer took the statement of the concerned workman and Sitaram Bhuiyan. Sitaram Bhuiyan supported the case of marriage of Smt. Tara alias Taramati Devi with the concerned workman. The Enquiry Officer gave no proper consideration to the affidavit sworn in before the Sub-Divisional Magistrate, Hazaribagh. Moreover, the documents were filed before the management to show that the concerned workman was duly married to the daughter of Sitaram Bhuiyan named Smt. Tara alias Taramati Devi prior to his appointment in West Bokaro Colliery. The Enquiry Officer had lost sight of the fact that Sitaram Bhuiyan and Baliram Bhuiyan belong to Bhuiyan community and both of them are illiterate. Contradictions in the statement considered by the Enquiry Officer for drawing conclusion ignoring this basic fact are bound to lead erroneous conclusion. The fact is that the mother-in-law of the concerned workman in order to secure employment for his son has disowned the relationship and even Sitaram Bhuiyan had been turned out of the house. The result is that Sitaram Bhuiyan has been living with the concerned workman. The Enquiry Officer should have considered this aspect in favour of the concerned workman; because if the marriage of the concerned workman with Smt. Tara Devi alias Taramati Devi was not solemnised, Sitaram Bhuiyan could not be expected to sacrifice the claim of his son for appointment in West Bokaro Colliery on the length of his service. In the circumstances, the

concerned workman has prayed the order of dismissal be set aside and he be reinstated in service with full back wages with continuity of service.

4. In rejoinder to the W.S. of the concerned workman the management has stated that no affidavit was asked for from Sri Sitaram Bhuiyan and the alleged affidavit was not submitted to the management. At the time of requesting for employment Shri Sitaram Bhuiyan did not mention in his application regarding his alleged affidavit. The alleged affidavit was neither filed before the management nor before the Enquiry Officer. The complaint was lodged by Sri Tej Narayan Bhuiyan son of Sri Sitaram Bhuiyan and not by the wife of Sitaram Bhuiyan, to the effect that the concerned workman was not the son-in-law of Sitaram Bhuiyan. The enquiry was not unfair, improper and inconsistent with the principles of natural justice. The management's representative produced documents and proved the same as Exts. The contents of each document were explained in Hindi to the concerned workman by the Enquiry Officer and the concerned workman admitted each document and put his LTI. Thereafter the documents were marked as exhibits. Thus the documents were marked as exhibits after being produced and proved by the management's representative and accepted by the workman as genuine document. The preliminary report along with the enclosure namely the statement of the concerned workman and Sitaram Bhuiyan were marked as Ext. M-5. The concerned workman was given full opportunity to cross-examine the management's representative but he declined to do so. Thus he did not challenge the veracity of the document including Ext. M-5 and as such the writers of the documents were not required to be produced for proving the documents. When the concerned workman and Sitaram Bhuiyan admitted in writing the truth of the complaint lodged by Sri Tej Narayan, son of Sitaram Bhuiyan there was no necessity of examining Tej Narayan or his mother to show that the concerned workman was not the son-in-law of Sitaram Bhuiyan. The charge has been established on the admission of the concerned workman. No document of marriage was filed before the management. The Enquiry Officer considered various contradictions and accepted the previous statement of the concerned workman recorded by Mrs. V. Gandhi as the same was duly corroborated by Sri Sita Bhuiyan and the complainant Tej Narayan who are very close relatives of the concerned workman.

5. At the instance of the management the fairness or otherwise of the domestic enquiry was considered as preliminary issue. In the course of preliminary issue the management examined the Enquiry Officer P. Kumar as MW-1 and laid in the evidence a number of documents marked Ext. M-1 to M-10 which include the chargesheet, reply to the chargesheet, domestic enquiry proceedings, enquiry report and the documentary evidence laid in the domestic enquiry. The concerned workman did not examine himself nor did he lead any documentary evidence.

6. Shri J. P. Singh, learned Advocate appearing for the concerned workman conceded that the domestic enquiry was held fairly and properly and accordingly it was held that the domestic enquiry was held



fairly and properly. Thereafter the matter was heard on the basis of evidence already on record.

7. Admittedly, Sita Bhuiya was working as a permanent Coal Loader in West Bokaro Colliery with effect from 13-1-54. After completion of 15 years of service he was entitled to get one of his dependants enrolled for employment under the management. He got the concerned workman Baliram Bhuiyan registered as dependant son-in-law in the Employers' Dependants Register and the concerned workman was employed by the management as substitute worker on 16-9-1980 and he became permanent with effect from 16-4-1984. Thus the concerned workman got into the employment of the management as dependant son-in-law of Sita Bhuiyan.

8. One Tej Narayan Bhuiyan, claiming to be the son of Sita Bhuiyan reported to the management by letter dated 30-6-1985 that his father secured employment for the concerned workman who was not related to him (his father). Tej Narayan prayed that the sons of Sita Bhuiyan be given employment and the concerned workman employed by declaring him as verifying the correct position. On receipt of this letter Smt. V. Gandhi, Personnel Officer (Establishment) held preliminary investigation in the matter. She recorded the statements of the concerned workman and Sita Bhuiyan and submitted his report that the concerned workman was not the son-in-law of Sita Bhuiyan and that Sita Bhuiyan has got the concerned workman employed by declaring his as son-in-law which was false and that the concerned workman secured employment by fraudulent means.

The disciplinary authorities occasionally make preliminary investigation or fact-finding enquiry with a view to satisfy themselves whether any disciplinary action against the workman should be launched or not. This investigation does not form a part of the procedure of the domestic enquiry. The depositions of the witnesses in such investigation, if any, or the reports of the investigation are merely for ascertaining whether there is any prima-facie case justifying disciplinary proceeding.

9. In the present case the management had the preliminary investigation made by Mrs. Gandhi and after consideration of her report issued chargesheet against the concerned workman. The chargesheet Ext. M-1 reads as follows :—

"You are hereby asked to show cause why disciplinary action should not be taken against you under Clause 27(2) of the Standing Orders for the following misconduct :—

We have received written complaint dated 30-6-85 from Sri Tej Narayan Bhuiyan, son of Sri Sita Bhuiyan, P. No. 1867, Coal Loader, informing us that you had secured employment in the company by fraudulent means by declaring yourself to be the son-in-law of Sri Sita Bhuiyan, whereas you are not his son-in-law. The matter was enquired into and it was confirmed that you are not the son-in-law of Sri Sita Bhuiyan.

You are therefore, charged for securing employment by fraudulent means."

In reply Ext.M-2 to the chargesheet the concerned workman asserted that he was the son-in-law of Sita Bhuiyan and this fact could be ascertained from his father-in-law.

Not being satisfied with the explanation submitted by the concerned workman in his reply to the chargesheet the management decided to hold a domestic enquiry and appointed Shri P. Kumar an Enquiry Officer. In the domestic enquiry the Enquiry Officer examined the Presenting Officer Shri P. Akhauri as witness for the management and admitted in evidence the complaint of Tej Narayan Bhuiyan, application of Sita Bhuiyan for employment of the concerned workman, declaration form, consent of Sita Bhuiyan and declaration form for the employees dependents submitted by the concerned workman and the report of Mrs. Gandhi. The Enquiry Officer also examined the concerned workman. Upon consideration, of evidence on record the Enquiry Officer held that the charge against the concerned workman for securing employment fraudulently as detailed in the chargesheet had been proved. Thereafter the concerned workman was dismissed from service.

10. Shri B. Joshi, learned Advocate for the management has contended that the concerned workman has accepted that the domestic enquiry was held fairly and properly. He further submitted that the concerned workman did not cross-examine the witnesses for the management who proved the documents in the domestic enquiry nor did he allege any coercion or undue influence practised on him. According to Shri Joshi, the irregularities, if any, in the domestic enquiry has been cured by acceptance of the fact that the domestic enquiry was held fairly and properly.

Shri J. P. Singh, Learned Advocate for the workman has contended that the report of the Enquiry Officer is not sustainable inasmuch as the complainant, Tej Narayan Bhuiyan and Mrs. Gandhi who held the preliminary investigation were not examined in the domestic enquiry. He has further contended that the Enquiry Officer was not justified in relying upon the preliminary investigation report as it was not proved legally in the domestic enquiry.

10. The Enquiry Officer, in his report, has stated that there is no reason why Tej Narayan Bhuiyan would complain against Baliram Bhuiyan if he was not his brother-in-law. Thus the fact of Tej Narayan Bhuiyan complaining against the concerned workman has been used as piece of evidence by the Enquiry Officer against the concerned workman. But the complaint of Tej Narayan Bhuiyan itself will indicate motivation of his complaint. He complained to the management that Sita Bhuiyan, his father has thrown out all his three sons including himself and their mother from his house and gave employment to the concerned workman by taking money from him and in the circumstances he prayed that the sons of Sita Bhuiyan be given employment. Hence the reasons of complaint by Tej Narayan Bhuiyan against the concerned workman is obvious from his letter of complaint..



11. I have already stated that Mrs. Gandhi in course of preliminary investigation recorded the statement of the concerned workman and Sita Bhuiyan. The report of Mrs. Gandhi was produced by the Presenting Officer and was accepted in evidence by the Enquiry Officer as an automatic process. This in my view, was highly irregular. It is the settled law that if the report of the preliminary investigation is used against the delinquent workman, it must be proved properly in the course of domestic enquiry. The management simply produced the report of Mrs. Gandhi in the domestic enquiry which was admitted in evidence by the Enquiry Officer. The management relied on the report of Mrs. Gandhi in the domestic enquiry but did not produce her as a witness. The Enquiry Officer accepted the position and in the process the concerned workman was deprived of his right to cross-examine Mrs. Gandhi with regard to the report submitted by her. This is vital flaw in the report of the Enquiry Officer.

Then again the Enquiry Officer has stated in his report that the workman stated in the preliminary enquiry conducted by Mrs. Gandhi copy of which was given to him that he was not the son-in-law of Sita Bhuiyan and his wife was the cousin sister of Sita Bhuiya. Record of the proceeding does not show that a copy of the statement of the concerned workman given in the preliminary investigation was supplied to him. Anyway, the concerned workman was cross examined at length but nowhere it was pointed out that he stated in the preliminary investigation that he was not the son-in-law of Sita Bhuiya. He was confronted with the statement of Sita Bhuiya wherein he stated that the concerned workman was his uncle's son-in-law and the concerned workman replied that the statement was not correct. This being so I think that it was necessary for the management to examine Sita Bhuiya in order to prove its case but that was not done.

In his statement before the Enquiry Officer, the concerned workman declared his present age to be 30 years and his wife's 25 years and that their marriage took place 15 years ago which would mean that at the time of marriage he and his wife were 15 years and 10 years respectively. In one place he has stated that 2 years after their marriage their first child was born and the Enquiry Officer has held that giving birth to child at the age of 12 years was a biological impossibility. Leaving aside the question as to whether it is biologically impossible for a woman of 12 years of age to give birth to a child in a tropical country like ours, the concerned workman has stated in another place that his eldest issue was aged 7 years at the time when he made statement before the Enquiry Officer. That being so his wife according to this estimate gave birth to their first child when she was 18 years old. This is quite possible biologically. Then again the Enquiry Officer has stated that the concerned workman has stated in one place that his wife has one brother and one sister and at another place he has stated that he has one brother and 3 sisters. But the statement of the concerned workman does not reflect this position. He has stated that his wife has one brother and 2 sisters including herself and nowhere he has stated that his wife has one brother and 3 sisters. Again the Enquiry Officer has stated that the concerned workman has given the name of his wife as Tara Devi in

one place and Taramoti Devi in another place. But the position is not so. He has been asked as to what is the name of his wife Smt. Tara Devi or Smt. Taramoti Devi. Answer of the concerned workman to this question has been recorded by the Enquiry Officer.

Hence the conclusion of the Enquiry Officer that the concerned workman has mentioned his wife by 2 names Tara Devi and Taramoti Devi is not justified.

It is worthwhile to mention here that the management has not taken any action against Sita Bhuiyan although he allegedly committed the same misconduct as the concerned workman has allegedly committed by representing the concerned workman as his own son-in-law.

12. Anyway in view of the serious infirmities in the report of the Enquiry Officer as pointed out above, I have no hesitation to hold that the conclusion reached by him is not sustainable. Accordingly the order of dismissal on the basis of the report of the Enquiry Officer must be set aside.

13. In view of the facts and circumstances of the case the order of dismissal of the concerned workman from service must be set aside and he should be reinstated in service without any back wages. The management may, if it so desires, may institute a fresh domestic enquiry against the concerned workman. Accordingly the following Award is rendered :—

"The dismissal of Shri Baliram Bhuiyan by the management of West Bokaro Colliery of Tisco. Ltd., with effect from 31-5-1986 is not justified. The management is directed to reinstate him in service within one month from the date of publication of the Award.

The management is at liberty to institute a fresh domestic enquiry against the concerned workman, if it so desires "

S. K. MITRA, Presiding Officer

[No. L-20012(168)89-IR-(Coal-I)]

K. J. DYVA PRASAD, Desk Officer

नई दिल्ली, 15 मार्च, 1991

का. धा. 1020.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार देना बैंक के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिभरण अधिसूचना के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार की 13-3-91 को प्राप्त हुआ था।

New Delhi, the 15th March, 1991

S.O. 1020.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ahmedabad as shown in the Annexure in the Industrial dispute between the employers in relation to the A Dena Bank and their workmen, which was received by the Central Government on 13-3-91.

BEFORE SHRI R. S. SHUKLA, CENTRAL INDUSTRIAL TRIBUNAL, GUJARAT, AHMEDABAD

Ref. I.T.C. No. 14/88

Dena Bank,

Anand Dist. Kheda,

1st Party

Vs.

Shri K. T. Patel,

Dada's Khad,

Bhadran-388530.

Distt. Kheda.

2nd Party

Dena Bank has suspended Shri K. T. Patel, from service. Whether the said action is legal ? If not, to what relief does he become eligible ?

For the 1st Party : Shri P. J. Desai.

For the 2nd Party : Shri J. K. Rathod.

JUDGEMENT

1. The industrial dispute between Dena Bank, Anand, Distt. Kheda, and Shri K. T. Patel, in which the latter has been suspended from service by the bank, was entrusted for adjudication under Section 10(1) of the Industrial Disputes Act, first to the Central Industrial Tribunal of Shri R. J. Yagnik, whether the said action of the bank is legal and if not, to what relief is the employee entitled, vide order No. L-12012-611/87-D.2(A), dated 14-7-88, by the Desk Officer, Ministry of Labour, Government of India; which has later on been transferred to our tribunal.

2. The 2nd party, employee, has submitted his statement of demands at Exh. 4, in which he states that the said reference has been transferred to this court under Section 10(1)(d) of the I. D. Act, by the Labour Department of the Government of India vide their order No. L-12012-611-87-D. 2(A) dated 14-7-88. In addition he states that the industrial dispute which has been entrusted for adjudication is such that the management of Dena Bank has terminated him from service. To what extent is this just and proper ? And if the order of termination is not legal, to what relief is he eligible ? The concerned employee, Shri Patel, has stated in his statement of demand that Dena Bank had appointed him as a clerk on 24-10-72 at the head office at Bombay. Thereafter, he was transferred to the Dharmaj branch of Dena Bank. Again he was transferred to Bhadran. The concerned employee, Shri Patel, in addition states that he was served with the order of suspension cum-chargesheet on 15-6-83. After the receipt of this order, the concerned employee, Shri Patel, had filed a suit in the Civil Court and obtained interim order. This order was served on the bank on 21-6-83 and thereafter on the branch manager of Bhadran Branch on 22-6-83. The branch manager had not implemented this stay order. And the concerned employee, Shri Patel, was put under suspension compulsorily. The conditions of service of the bank employees were determined as per the Desai Award. And as per the bipartite compromise arrived at in this Award, the conditions of service of Shri Patel and other employees were determined. Although the subsistence allowance was liable to be paid by the

bank during the period of suspension, he was not paid this allowance. As per the Shastri Award which was awarded on 8-9-83, when an employee is to be suspended, he is liable to be paid the suspension allowance so long as he remains under suspension. But he was paid less suspension allowance by the bank. The concerned employee, Shri Patel, was not given the benefit of new pay-scales although there was specific provision in the fourth bipartite compromise which was arrived at on 1-7-83. The concerned employee, Shri Patel, states in addition that the bank has instituted departmental enquiry against him and the enquiry officer had completed the enquiry and has submitted his report to the disciplinary authority. The averments, which have been made by Shri Patel in his reply have not been clarified by the bank. The disciplinary authority, ultimately, passed the order terminating the services of Shri Patel, and that order was also passed against him without giving any type of notice to him. The bank also did not take the depositions of the witnesses of the concerned employee into consideration. Thereafter Shri Patel filed an appeal before the appellate authority against this order of termination. The concerned employee, Shri Patel, had made certain averments regarding the injustice done to him in the said Appeal, but the bank has not taken those averments also into consideration. In addition, the concerned employee, has to state that the departmental enquiry is against the principles of natural justice. Because he was not afforded opportunities which were legal and proper. This departmental enquiry was arbitrary and of ill-motive. In view of the gravity of the offence, the termination order is very harsh and illegal. The bank had past prejudices against the concerned employee and the action of his dismissal from service on the basis of the departmental enquiry was an open violation of the natural justice.

3. The notice of this reference was served on the regional manager of the bank and with reference to the same, the bank had submitted its reply on 2-9-88. In its reply, the bank states that this as a policy matter dispute and the entire fact of the case of Shri Patel has been conveyed to the higher officers and the statement of defence will be filed before the tribunal on receipt of the reply from them. Thereafter, the bank had submitted its reply at Exh. 7. In this reply the bank has specifically stated that this reference is not legally tenable. The industrial dispute mentioned in this reference is not in existence between the parties. After his termination, the concerned employee had filed a c.s. in the civil court at Vadodara. And he had obtained an interim stay. But the civil court had passed the order as under :

"You, the opponent are given the temporary stay order upto 30-6-83 in which it is stated that the applicant should not be suspended, except till the enquiry is not held."

Thereafter, the civil court had cancelled the interim stay order after hearing both the parties and thus due to vacation of the interim stay order the 2nd party had filed the Misc. Appeal No. 140/85. On the filing of this appeal in the District Court, it was heard and rejected by the Extra Assistant Judge of the third court at Vadodara. Being aggrieved by the said order, Shri Patel had filed a Spl. C. A. No. 745/86 in the High Court of Gujarat. In the said application, after

the arguments by the parties and the pleadings of the Bank, the High Court had ordered to reject the said application. As such, it can be said that the action of the bank in suspending the concerned employee, Shri Patel, from service was confirmed by the order of the Court. In the above circumstances the fact is clarified that the concerned employee, Shri Patel should not be suspended till the departmental enquiry proceedings against him are not concluded. The bank was restrained in that way. In the above circumstances, as per Section 19(12)(b) of the bipartite settlement, the bank cannot suspend the concerned employee. Shri Patel, till the departmental enquiry proceedings against him are not concluded. In this case, the concerned employee was given the chargesheet and thereafter the departmental enquiry was also instituted. It is not true that the bank has not implemented the order of the High Court of Gujarat and it cannot be reskoned that by not doing so, the bank has committed the contempt of the court. It is not a fact that Shri Patel was not paid subsistence allowance by the bank. The concerned employee has been given the benefit of the revised pay-scales. Shri Patel had filed a civil suit in the civil court, Vadodara, and had obtained an order from the civil court, Vadodara, to the effect that departmental enquiry should not be instituted. Thus the order of suspension was made the subject matter of the court's dispute. Therefore, the departmental enquiry proceedings against Shri Patel, could not be instituted in time. And due to this delay, the bank could not pay to Shri Patel, full pay as subsistence allowance. Thereafter, Shri Patel contacted the Assistant Labour Commissioner (Central) and made submissions before him, the bank could not hold departmental enquiry even after one year. Due to these reasons, he put forth the demand for full pay and during that very period the proceedings before the conciliation office also concluded. According to the power conferred on the Disciplinary authority, Shri A.C. Trivedi was appointed as the enquiry officer. He was the branch manager at village Santhmipali, Ta Nadiad. Laying before the bank the report of the said officer, Shri Trivedi, all the allegations made against Shri Patel were proved and ultimately taking into consideration the report of the enquiry by the disciplinary authority, the indiscipline of Shri Patel was reckoned as extra-ordinary and in view of its far-reaching consequences, it was decided to dismiss Shri Patel from service without the notice pay. In addition, it was also submitted on behalf of the bank that there was such a charge against Shri Patel that when he was working as a cashier at Bhadran branch in about June, '83, the cash was checked by one Shri G. H. Shah, who an accountant in the same branch at about 3.30 p.m., while checking the cash details of the re-memorandum of 19th June 1983, a sum of Rs. 5000/- was found short. Shri G. R. Shah made a note of this on 15th June, 1983, and requested Shri Patel to meet him at once. On enquiring about this, Shri Patel was not able to give satisfactory reply. Shri Patel had at once repaid Rs. 5,000/- to the bank in the currency of Rs. 100/-. Thereafter, the concerned employee, Shri Patel, was given the chargesheet and after receipt of the chargesheet in his explanation Shri Patel does not deny clearly the shortage of the sum of Rs. 5,000/- and on being compelled to repay the said sum he had returned the amount to the bank. As per the submission of the concerned employee, he

was not compelled to repay the sum of Rs. 5,000/- and was threatened that if he did not repay this amount, he will be dismissed from the service. Shri H. B. Trivedi, on behalf of the bank management called both Shri G. R. Shah and Shri J. U. Patel as witnesses of the bank and both of them in their statements have stated that it was revealed on 15-6-83 at the time of checking that there was a shortage of Rs. 5,000/-. It was submitted on behalf of the bank that there was a shortage of Rs. 5,000/- in the bundle of Rs. 50/-. On asking Shri Patel about this, he could not give any satisfactory explanation and thus Shri Patel had at once returned to the bank the sum of Rs. 5,000/-. At the end of cautionary enquiry, Shri Patel was given the chargesheet. And the enquiry proceedings were commenced from 23-6-86 as the beginning of the departmental enquiry. As a result of the decision of the disciplinary authority to dismiss him, he was ultimately dismissed. Thereafter, Shri Patel had lodged an appeal against this order. In this respect the bank has not acted towards Shri Patel in revengeful manner or irresponsible way. The bank itself is dealing with people in monetary and economical transactions and on the day of the incident, Shri Patel was working as a cashier at the Bhadran branch. Thus, on the detection of shortage of Rs. 5,000/- in the cash box, departmental proceedings were instituted against Shri Patel in that regard. On the allegations mentioned therein being proved, he was dismissed from service. This action of the bank being legal and proper, the said reference of Shri Patel is liable to be cancelled.

4. In view of the abovementioned dispute between the parties the following points arise for adjudication:

- (1) Does the bank itself prove that the concerned employee had mis-appropriated the sum of Rs. 5,000/- on the day of the incident when he was on duty as a cashier?
- (2) If the above point No. 1 is replied in the favour of the bank, in those circumstances, can the order of termination passed against Shri Patel, can be termed as a just, legal and proper order?
- (3) In case the allegation of mis-appropriation against the concerned employee, Shri Patel is proved under Sec. 11(A) of the Industrial Disputes Act, in such circumstances, can the order of termination under Section 11(A) of the I.D. Act can be termed as a harsh and extraordinary punishment?
- (4) What final order?
- (5) My decision to the above points, is as under for the following reasons:—
  - (1) No.
  - (2) No.
  - (3) Allegations are not proved. But even if the allegations are believed to be proved, this punishment can be termed as extraordinary, harsh and improper and so excessive.
  - (4) As per the final order.

### REASONS

6. Heard Shri P. J. Desai, on behalf of the bank and Shri J. K. Rathod on behalf of the concerned employee.

7. In this reference, it is very necessary to see the details of the chargesheet given to the concerned employee, Shri Patel, at Exh. 30. In para 1 of this chargesheet it is stated that the concerned employee, Shri Patel, was performing the duties of a cashier of the Dena Bank's Bhadran Branch, situated in district Kheda. Shri G. R. Shah was working as an accountant in this very branch. He checked the cash with the detailed description at about 3.30 p.m. on 15-6-1983 and found a shortage of Rs. 5,000, for which he made a note. Thereafter on calling the concerned employee, Shri Patel, he could not give a satisfactory reply. And the said amount Rs. 5,000 which was short, was immediately repaid by submitting 50 notes of Rs. 100. Thus the allegation of misappropriation of Rs. 5,000 against the concerned employee, Shri Patel, has been proved. In the allegation, it is further stated that after misappropriating the said Rs. 5,000, Shri Patel, had taken that amount from the cash box with the ill-intention of committing the offence. At that time, the said cash box was in his custody. Thus the above misconduct of Shri Patel was of a serious nature as per para 19(5) of the bipartite agreement; and by so doing he had misappropriated the cash of the bank.

8. The above show cause notice was given to Shri Patel and as stated therein, Shri Patel was called upon by the bank to explain within 7 days, in writing. But during the pendency of the written explanation, Shri Patel was immediately suspended. On receipt of the above chargesheet by the concerned employee, the departmental enquiry against him by the bank was fixed at 2.15 p.m. on 18-6-1985. In this departmental enquiry Shri A. C. Trivedi was the enquiry officer, Shri N. B. Trivedi and Shri K. T. Patel, were the concerned employees and Shri K. R. Mehta were present on behalf of the concerned employee. This departmental enquiry was in the form of question and answer. At the end of the departmental enquiry, the allegations levelled against Shri Patel in the chargesheet were proved and he was dismissed from service. The conclusions of the investigation were drawn on 14-10-1984. Against the said order of dismissal, Shri Patel had filed an appeal on 8th August, 1986. The appellate authority of the Dena Bank had heard the appeal of the concerned employee and had rejected the same, against him.

9. Both Shri Patel, the concerned employee and the learned advocate of the bank, Shri P. G. Desai, had filed the pursis at Exh. 10 and 11 before the court with respect to the legality and necessity of the departmental enquiry as also with respect to the necessary proceedings of the same. With respect to the legality of the departmental enquiry, Shri Desai states in his pursis at Exh. 10 that the parties have forgone the legality of the departmental enquiry. The pursis at Exh. 10, given by Shri Patel, was given so that the evidence of any type be taken in such a way and only on the primary issue, so that the rights of Shri Patel are not jeopardised. On behalf of the bank, its advocate, Shri Desai, states

in his pursis at Exh. 11 that since the concerned employee, Shri Patel, has forgone the legality dispute relating to the departmental enquiry instituted against him, neither the bank nor the concerned employee has to say anything with respect to the legality of the departmental enquiry. But since they do not agree with the findings, it brought about at the end of the said enquiry, the dispute in that respect is kept pending. Shri G. K. Rathod, the advocate of Shri Patel, in his remarks under the pursis at Exh. 11 has stated that, the legality of the proceedings of the enquiry are not challenged on behalf of the concerned employee, Shri Patel. Thus both the parties have accepted the proceedings of the enquiry in this reference, the issues which have been brought out as above, both the parties have not examined the witnesses or the evidences with respect to the alleged misappropriation of Rs. 5,000 whether it is proved against the concerned employee, Shri Patel, or whether on an examination of the provisions of Section 11(A) the order of dismissal is to be taken as just, proper and legal or not? Both the parties have not examined the witnesses or the evidence with respect to both the above issues. The record of the enquiry has been submitted. The written statement of the concerned employee, has also been submitted. One of the points is such that if the order of dismissing the concerned employee, Shri Patel, is quashed, what order should be passed with respect to the amount of back wages payable to the concerned employee, on his re-instatement. As there is a dispute between the parties on this issue, the statement of Shri Patel has been recorded as Exh. 26. Shri Patel states in his statement at Exh. 26 that he had joined the service of the Dena Bank's office in 1972. He has been working as a clear since the very beginning. He was dismissed from service on 1-7-1986. After his discharge he is not doing anything. He put in the efforts to get work elsewhere. But the efforts did not prove successful. Even at present he is jobless. Shri Patel admits in his cross examination that there was some other enquiry against him, when he was dismissed from service. He is a married person and at present he has two sons and a daughter. His wife also does not work. The concerned employee states in his cross examination that he lives at Bhadran and the premises in which he lives, is a rented one. The rent of which is about Rs. 100 per month. He pays the rent regularly. His sons go to school and no scholarship is received. In the alternative, on an allegation being raised that he serves elsewhere, he has denied the same in his cross examination and has stated clearly that ever since his dismissal from service, he is not serving anywhere. Neither does he do any independent business. For the maintenance he borrows money from his father-in-law. Thus taking into account the entire statement of the concerned employee, Shri Patel, it becomes clear that from 1-7-1986, i.e. from the date of his dismissal till and after the date of recording his statement, he has not been serving anywhere. He has put in many efforts for getting a job, but in spite of that he did not get any job. As Shri Patel is jobless even at present, he maintains his family from the help which he gets from his father-in-law. No witness has been examined in this respect by the bank. As such, one point becomes clear that Shri Patel has not served anywhere in the intervening period. Against this

statement of the concerned employee the bank has not examined any witness. As such is he proves that the order of dismissing the concerned employee is illegal, he will become eligible to get full back wages. No objections have been raised on behalf of the concerned employee with respect to the proceedings of the departmental enquiry. In short, both the concerned employee as well as the bank have accepted the legality of the departmental enquiry and its proceedings. The chief point now is whether the bank is able to prove the allegation of mis-appropriation of Rs. 5,000 made against the concerned employee, Shri Patel, from the evidences? Some of the documentary evidences submitted by the bank are at Exh 8 list. Among the said evidences the bank has submitted a copy of the letter written by the manager of the Shadran branch to the head office. This letter was written on 16-6-1983. Which is addressed to the Regional Manager, Baroda, by the Branch Manager, Bhadran Branch. They have received the letter written by Shri G. R. Shah, accountant of this branch and they have been informed of the deficit (shortage) of Rs. 5,000. The regional manager has received the letter of Shri G. R. Shah, the branch accountant, informing about the shortage of the sum of Rs. 5,000 at the end of its rechecking and physical verification. In this letter the charge of the cash department is taken over from the concerned employee, Shri K. T. Patel and the Bhadran branch has been instructed to entrust the said charge to Shri P. M. Shah from 16-6-1983. After the concerned employee, Shri K. T. Patel, wrote a letter to the Regional manager, Vadodara at Exh. 15.

10 Shri G. K. Rathod, the learned advocate of the concerned employee, Shri Patel, in his arguments raised the first point that the said employee, Shri Patel, against whom the departmental enquiry has been instituted; the said enquiry has been instituted very late, that is the enquiry has been instituted after a long time. The advocate of the bank, Shri P. G. Desai has stated in his arguments that the concerned employee, Shri Patel had filed suits in the Civil Court, Vadodara, and also in the High Court and also some writ petition and, therefore, it was not able to institute departmental enquiry. The concerned employee, Shri Patel, had filed a regular Civil Suit in the Civil Court, Vadodara, in which he had obtained an interim stay. Therefore, the Civil Court had passed such stay order. The bank had passed upto 30-6-1983, an interim stay on temporary basis and clarifying the same had stated that the deponent may not be suspended till 30-6-83, except till the enquiry as per rules is not instituted. This order was passed by the Civil Court on 15-2-83. Against this the concerned employee had filed a Civil Misc. Appeal No. 149/85 in the District Court at Vadodara. In which the said court had had rejected the said appeal on 19-4-1986. Against this order, the concerned employee, Shri Patel had filed a Special Civil Revision Application No. 745/87 in the High Court. Taking into account the averments made by the parties the said revision Application was rejected on 28th May, 1986. Submitting the above reasons, the bank by its advocate Shri P. G. Desai had stated in his submission that due to the filing of cases by the concerned employee the departmental enquiry against him was delayed. I

cannot agree with these arguments of Shri Desai. Because, the order passed by the Civil Court was subject to certain conditions and for a limited period only i.e. upto 30-6-1983. As per rules, no stay order of the Civil Court prevented the bank from instituting the departmental enquiry against Shri Patel. In all the above cases there was only one condition that Shri Patel could be suspended after holding the departmental enquiry as per rules. He should not be suspended so long as such enquiry is not held. On an evaluation of all the above reasons, it can be said clearly that the bank was responsible for the delay that was caused in holding the departmental enquiry. Even by delaying, the bank has acted prejudicially against the concerned employee Shri Patel.

11. Shri Rathod, advocate of Shri Patel, the concerned employee, has stated in his pleadings that the concerned employee has not mis-appropriated the alleged amount of Rs. 5000. In fact Shri Patel has not misappropriated Rs. 5,000. Actually he had no intention to deal in money. As stated by Shri Rathod, the concerned employee, Shri Patel, was working as a cashier in the cash department on the day of the incident i.e. on 15-6-83. After counting some bundles, on finding a shortage of Rs 5,000, the activity of re-checking was undertaken by the head cashier, Shri G. R. Shah, and in that activity Shri Patel was not called with ill-motive, and in total absence of Shri Patel, the head cashier counted the bundles that were available in the cash department. In this regard, at first, I shall only say that the bank had not kept Shri Patel present on the day on which the incident took place. The said report of the enquiry has been submitted by the bank at Exh. 16. No witness of the bank has been examined in this regard. As stated by Shri Rathod, the advocate of Shri Patel, before examining the details of the incident, in his submission, during the pendency of the departmental enquiry, the concerned employee, Shri Patel had been suspended from service. But as per the provisions of the bipartite agreement, he was not paid the suspension allowance. Why the suspension allowance was not paid for what reasons the said payment was not made? No responsible officer of the bank was examined in the court here to prove these. I shall only say this that the concerned employee was not paid the suspension allowance due to ill-motive and prejudice. Out of prejudice the concerned employee was dismissed from service for the so-called mis-appropriation, the bank had so arranged that the said amount is collected immediately. As per the submission made by the bank the concerned employee Shri Patel was working as cashier in the Bhadran branch of the bank. In about June, 83, Shri G. R. Shah was working as an accountant in this very branch. On checking the memorandum of cash on 19-6-1983, Shri G. R. Shah found a shortage of Rs 5,000 and due to this, accountant Shri G. R. Shah, made a note to the said effect in writing. The date of the cash memorandum was 15th June, 1983. It is necessary to note that as per the checking dated 15th June, 1983 of the cash that on the basis of the cash memorandum, the concerned employee, Shri Patel, who was working as a cashier, had committed the so-called appropriation of Rs. 5,000 for his personal use. The checking of this cash memorandum was made after four days that is, on 19-6-83. This checking was made by Shri G. R. Shah, who was the accountant of

this branch. He was to call the concerned employee personally. The checking of the bundles was not done in his presence. When an allegation of mis-appropriation is made against any employee of money, before making the said allegation, the checking of the monetary transaction should be done in presence of the so-called offender and is to be done in his presence. The concerned employee, Shri Patel, was intentionally not kept present at the time of re-checking of the cash. For the legality of this fact, that is, to what extent is the action of the bank is just, to prove this Shri G. R. Shah, who can be termed as an important witness, has not been examined before the Tribunal here. On the bank making allegation of the so-called mis-appropriation of a sizable amount of Rs. 5,000 by the bank, and the said allegation which is very grave, to what extent is it just and proper, the bank has not examined any witness to prove the said allegation.

12. As stated by Shri Rathod, there are only two averments made against the concerned employee. First of all, it is the say of the bank that the concerned employee was not able to give a satisfactory explanation immediately for the so-called mis-appropriation of Rs. 5,000. And the second point is that he immediately repaid the said Rs. 5,000 by borrowing from some shroff. This the bank took this decision against him for the action of Shri Patel and had believed the case to have been proved. As per the submission of the concerned employee, for the so-called mis-appropriation of Rs. 5,000, the bank had compelled him to repay the amount and Shri Patel was forced sufficiently and, therefore, he was compelled to repay the amount immediately. One point is also well-known that if the concerned employee, Shri Patel did not repay the said Rs. 5,000, he was threatened with dismissal from service. Shri N. B. Trivedi, who is a special officer of the bank had kept present the two witnesses, Shri G. R. Shah, accountant, and Shri J. D. Patel, branch manager. As per the submission of Shri Shah, the shortage of Rs. 5,000 was detected when the bundle of Rs. 60 notes was counted on 15-6-1983. But the bank informed about the so-called mis-appropriation of Rs. 5,000 on 19-6-83. On the said date, written details about the cash which were in the form of the memorandum, was re-checked when it was found that this cash was short. The question which arises is that what activity did the bank undertake during the interim period of these four days? So that it was decided on the 19th that the cash was short to the extent of Rs. 5,000 and that it was mis-appropriated by Shri Patel. If all the above circumstances and circumstantial events are taken into account, it can be said that the enquiry for the same was held after four days, that is, very late. And during 16-6-83 to 19-6-83 the bundles of notes must have been stolen from the place where they may have been lying. In order that the evidence on behalf of the bank are supplied, it was very necessary to examine account Shri G. R. Shah and Shri N. S. Trivedi. The statements of both these witnesses can be taken as the best evidence for the bank. And these best evidences were not submitted on behalf of the bank knowingly, for the reason that Shri G. R. Shah has made the scape-goat of Shri Patel intentionally.

13. Taking into account the letter submitted by the bank at Exh. 12 on the day of the incident of the mis-appropriation of Rs. 5,000, it seems that the bank

took over the charge of the cash immediately from Shri K. G. Patel and Shri P. M. Shah was entrusted with the charge of the cash. Even Shri P. M. Shah has not been examined by the bank as its witness before the Tribunal. The charge of cash was snatched away from Shri Patel the concerned employee, on 16-6-1983 and the charge of the cashier was entrusted to Shri P. M. Shah on 16-6-83. The concerned employee, Shri Patel, was dismissed from service. But at the same time, he was degraded from the category of the cashier to the lower category, which can be reckoned as the breach of the decided service conditions. From the same one incident, the concerned employee, Shri Patel was meted out two punishments. First of all, the salary which he was getting as a cashier, was reduced and he was degraded to the lower position. Thereafter immediately after holding the departmental enquiry, he was dismissed from service. Thus, for the said so-called one offence he was meted out two punishments. And before meting out this punishments, the bank has not held any preliminary enquiry.

14. The main point about holding the departmental enquiry is such that as per the Desai Award provisions so long as the departmental enquiry continues and so long as the concerned employee, Shri Patel, remains under suspension, whatever the suspension allowance is liable to be paid during that period, the said allowance has not been paid the first party bank to Shri Patel. The provision for the payment of the suspension allowance has been made in the bipartite settlement which has been arrived at between the Banking Co. and the Indian Bank Association and its employees in 1966 in the form of an agreement. As per the said provision, the concerned employee, Shri Patel, has not been paid the suspension allowance. This allowance is to be paid to the suspended employee to satisfy his minimum demands of maintenance. The bank has not satisfactorily explained the circumstances in which this allowance has not been paid to Shri Patel. On account of inordinate delay in the departmental enquiry and the action of the bank in not paying the suspension allowance, in my view seems to be prejudicial towards the concerned employee, Shri Patel, it seems that he has been dismissed from the service for the prejudices against the concerned employee. It is necessary to see to what extent the reasons for dismissal from service are proper and it is also necessary to take a view of the departmental enquiry held against Patel. First of all, there is no dispute that the concerned employee has accepted the departmental enquiry. But, as the departmental enquiry was held in the form of question and answer, the interrogations of the enquiry officer are of such a type that the enquiry officer has performed all the three duties— as the prosecutor, witness and judge for the benefit of the bank. The departmental enquiry is to be conducted perfectly independently and that too by following the principles of natural justice. In spite of that since the concerned employee, Shri Patel, has taken no objection regarding the departmental enquiry proceedings and since it is not necessary to discuss the legality of the departmental enquiry, the said point does not remain to be decided. Taking the departmental enquiry into consideration even the concerned employee has mis-appropriated Rs. 5,000 or not? And whether the same is proved by the departmental enquiry or not? This



point being proper, in the departmental enquiry, whatever statements have been made by the witnesses, it is very important, as to what extent they are proper and after taking into consideration the said statements, whether the so-called mis-appropriation of Rs. 5,000 is proved to what extent. The main point of the reference is such that the disciplinary authority of Dena Bank, dismissed the concerned employee, Shri Patel, from service. To what extent the said action is proper? And it is to be seen as to what relief is Shri Patel entitled? On the day of the incident, i.e., on the 15-6-1983, after the incident of the so-called mis-appropriation, the charge of the cashier was taken over from the concerned employee, Shri Patel and the said charge was entrusted to Shri R. M. Shah on 16-6-1983. The bank commenced the departmental enquiry against Shri Patel on 9-4-1983 vide Exh. 16. As stated in Exh. 16, after the commencement of the enquiry on 9-4-1983, next date for the enquiry was decided on the 18th June, 1983, in which the concerned employee, Shri Patel was present. On 16-6-1983 Shri S. M. Shah had stated in his statement of the departmental enquiry he had carried out the checking of the cash of the bank on 15-6-1983. He had also stated in the statement that he has been serving in the bank as a clerk since eight years and as an officer for 14 years. Shri R. G. Shah has accepted in the enquiry that he had carried out the checking of the cash in the cash cabin in the presence of the cashier. Explaining this in greater detail, Shri Shah stated in the enquiry that on carrying out this checking on 15-6-1983 seven rings of notes of Rs. 100 were found and eight separate notes of Rs. 100 as also in bundles 100 of Rs. 50 notes, the sum of Rs. 5,000 was found short. He thereupon asked the cashier, but the cashier did not reply. Shri G. R. Shah had called the branch manager in his cabin. This departmental enquiry was adjourned on that day. Thereafter it was started on 19-6-1983. The enquiry officer had asked question to Shri J. U. Patel, branch manager that on finding the said shortage of the sum of Rs. 5,000, the report with respect to the same was made in presence of the concerned employee, Shri Patel. But the branch manager had not given any clear answer to this question in the presence of the concerned employee. But branch manager Shri J. U. Patel had made a note in the cash scroll about the shortage of the sum of Rs. 5,000. And thereafter he had gone away to his table. Ultimately Shri J. U. Patel had reported about the shortage of the sum of Rs. 5,000, as noted in the departmental enquiry. As stated by this witness when the other members of the staff carried out the re-counting of Rs. 5,000, Rs. 50,000 were found short in the bundle of Rs. 50 notes. In the statement of Shri J. U. Patel, it is not proved that the entire counting of the cash was carried in the presence of the concerned employee, Shri Patel. On asking Shri K. S. Patel in the departmental enquiry, he has stated that the cash memorandum which was prepared on 15-6-1983, was done by Shri Patel. In the said cash memorandum the concerned employee, Shri Patel, has signed. And this cash memorandum was prepared on the day of the incident after 3.30. That is, it was prepared on 15-6-1983. Thereafter the departmental enquiry was fixed for 1.00 p.m. on 25-6-1983. In this on an enquiry as to how all the 31 bundles were prepared on the day of the incident at page No. 49 of the departmental enquiry, the concerned employee, Shri Patel

had answered that the sepoy of the bank, R. I. Waland, had tied these bundles on 15-6-83. In short taking into consideration the statements of the witnesses that have been recorded in the departmental enquiry, it can be said that Shri R. I. Waland, the sepoy of the bank had prepared a total of 31 bundles by putting them in these bundles were prepared in the cash cabin. On showing max no. 2 to the concerned employee, Shri Patel, he answered that as stated in the cash scroll at page 288, Shri R. G. Shah, accountant, had prepared these bundles. On taking into consideration the above statement, it seems clear that the preparation of Rs. 100 and other bundles of notes and their tying was done by sepoy Shri Waland in presence of Shri G. R. Shah, who is the accountant of the bank. In short, the concerned employee, Shri Patel, was not at all present at that time. In short, all the bundles were prepared in the absence of the concerned employee, Shri Patel. From this it becomes clear that it is not specifically proved that the shortage in cash of Rs. 5,000 had taken place due to carelessness or inattentiveness of the concerned employee Shri Patel.

15. In the letter dated 16-12-1983, addressed to the regional manager expressly denying the mis-appropriation of Rs. 5,000, the concerned employee, Shri Patel, states in para 5, that on the day of the incident when re-counting of the amount was commenced, Shri Patel was driven out at that time. Amongst those present, were both, accountant Shri G. R. Shah and Shri Waland. As such, Shri G. R. Shah may also have kept Rs. 5,000 from the bundle of Rs. 50; because at the time of counting, the alone was present. The allegation about the shortage of Rs. 700 was made first of all by Shri G. R. Shah on Shri Patel. But on checking, this allegation turned out to be false. Thereafter, he had entered the cabin again and Shri Shah counted the cash again and found shortage of Rs. 5,000 which was informed later. It can be said from this that the intention of Shri R. G. Shah was not with good faith. Because if the amount of shortage were found from the beginning, it could have been counted in presence of the concerned employee, Shri Patel. The sum of Rs. 5,000 which was returned by the concerned employee, was borrowed from a shroff named V. B. Shroff. Checking the cash and on finding it short, it cannot be alleged in such circumstances that the cashier has mis-appropriated the same. In this case Shri Patel has repaid Rs. 5,000 by borrowing the same from a person named V. B. Shroff. The action of immediate re-payment of the amount by Shri Patel clearly proves that the concerned employee, Shri Patel had the ill-intention of mis-appropriation.

16. Calculation memo pages 19 and 21 have been submitted by the bank. On this calculation memo, which is at page 19, is written Rs. 100 X 708 and thereafter it is crossed out under signature. The sum of Rs. 50 X 395 is written in which the figure 8 is crossed out and instead 995 X 8 is written. At page 19 of the enquiry proceedings, the following words have been written: At the time of physical verification we found less by Rs. 5,000. When was this remark made and in whose presence? For this the accountant of the bank, Shri R. G. Shah, should have been examined as a witness of the bank. But the bank has not examined this witness. Shri Waland who bound the

bundles, sepyo, has also not been examined by the bank as its witness. On a glance at page 21 of the enquiry proceedings, it seems that in it also left side figures are written as 50x895, wherein 8 has been crossed but and 9 is written instead of 8. No witness has been examined by the bank in this respect of in which circumstances have these figures been crossed out and in which circumstances other figure has been written. The bank has also not been able to submit any circumstantial evidence whether the crossing out was done by the concerned employee. The bank has also not been able to prove that reading the figures at page 25 of the departmental enquiry, whether the concerned employee intentionally took the said amount of Rs. 5,000/- for the purpose of mis-appropriation of the said amount. If any financial bank gets any type of money from the employee, it is an important point as to how it exists and in what circumstances. It was very necessary for the bank to prove whether the said amount was mis-appropriated by him to keep the same with him.

17. Shri P. G. Desai, the learned advocate on behalf of the Bank, in his pointed pleadings, states at page 27 of the departmental enquiry, that Shri G. R. Shah has reported in writing to the branch manager, Dena Bank, on 15-6-83 that on an enquiry from Shri Patel about the shortage of Rs. 5,000/-, checked by me, he was not able to explain it satisfactorily. The whole matter of this chapter has been informed to the head office. Quoting this letter, Shri Desai states that the concerned employee is not able to give any written explanation about the shortage of Rs. 5,000/-, clearly states that Shri Patel has mis-appropriated this amount. Actually, the concerned employee, Shri Patel cannot be held responsible for this. Because this employee had immediately on the submission by Shri R.G. Shah and the branch manager of the bank, borrowed Rs. 5,000/- from V.B. Shroff and had at once repaid the same to the bank. Thus on taking into consideration the enquiry papers, the departmental enquiry was held in the form of question and answer. Taking that into consideration it can clearly be said that the bank officer has given a dramatic form to the entire enquiry and made a fruitless effort to prove the allegation against the concerned employee under any circumstances of the so-called mis-appropriation of Rs. 5,000. The proceeding of the departmental enquiry is defective; I do not say so. But I cannot accept the fact that the departmental enquiry was conducted on impartial basis. As such, when there is re-checking of the cash, the employee against whom there is the possibility of making the allegation of mis appropriation, the bank should have done the reaching activity in the presence of the said employee. But considering the evidences which have been recorded in the departmental enquiry, the bank has acted prejudicially with the concerned employee and has not commenced the departmental enquiry and the bank has victimised the concerned employee by not paying to him the suspension allowance which should have been paid to him as per the bipartite agreement (Desai Award) With respect to the so-called mis-appropriation of Rs. 5,000/- at page 63 of the departmental enquiry, Shri Patel states that he was asked about the number of bundles, there were 31 bundles. And clarifying this the concerned employee accepts that there were 25 new

bundles. At page 19 of the departmental enquiry the cash shown in the calculation, makes a mention of nine bundles of Rs. 50/- and if there are nine bundles of Rs. 50 notes, there would be a total of 31 bundles. In such circumstances Rs. 5,000/- are automatically included. In addition in the departmental enquiry as per the say of Shri G. R. Shah, the accountant, in asking the question, Shri G. R. Shah states that there were 31 bundles. Verifying accordingly, it cannot be believed that Shri Patel has mis-appropriated Rs. 5,000/-. Thus, looking to all the circumstances and the conclusions stated in the departmental enquiry, the said conclusions cannot be believed to be legal and proper.

18. Shri G. A. Rathod, the learned advocate on behalf of the concerned employee, states in his pleadings that the mis-appropriation of money is an action of a serious nature. But it is the responsibility of the bank to prove the same. The bundles of money were bound by Shri R. T. Waland, who is the sepyo of the bank. Thus Shri Waland M.F., has not been examined as a witness of the bank before the Tribunal. If the cash of Rs. 5,000/- has been reduced at the time of binding the bundles, Shri Patel cannot be held responsible for the same. As stated by Shri Rathod, the advocate, the concerned employee, Shri Patel, who was working as a cashier, was paid a monthly allowance of Rs. 105/-, which was also discontinued. It can, therefore, be said that for the so-called offence of mis-appropriation, the concerned employee, Shri Patel, was dismissed from the service and at the same time for the same offence, he was degraded to a lower category from the post of cashier and for the said action the Bank has intentionally and victimisingly stopped his monthly allowance of Rs. 105/- as the cashier. Thus, meeting out two punishments for a solitary offence is illegal, unlawful, improper and unjust as per the provisions of the Constitution of India. Even if these reasons are considered, the order of dismissal of the bank is not legal and proper. The enquiry officer has acted the roles of the prosecutor, the judge and the witness, and has wrongly defended the bank. The conclusions drawn by the enquiry officer are the conclusions which are drawn prejudicially and are contrary to the evidence on record and these conclusions have been drawn out of prejudices towards the concerned employee, Shri Patel. The bank has failed to prove the allegation of mis-appropriation of money against Shri Patel. If there is shortage of the sum of Rs. 5,000/- and found to be short, in such circumstances, ordinarily the concerned employee is to be served with a notice and asked to explain. That would be legal. But no allegation can be made for the mis appropriation of the amount, so long as the primary enquiry is not held. Till then, such serious allegation cannot be made. Taking into considerations the reasons given below, I decide the order of dismissal passed by the bank as illegal :—

- (1) The re-checking of the cash has not been done in presence of the concerned employee, Shri Patel.
- (2) The bank has not examined both Shri R. G. Shah and Shri R. T. Waland as it witnesses. If they were examined as witnesses, the concerned employee would have been afforded an opportunity to cross-examine them as per the principles of natural justice



would have thus proved his case legally and properly.

- (3) The allegation of mis-appropriation can be reckoned as an extra-ordinary and serious. As such merely because Rs. 5,000/- are found short, there is no reason to believe that Shri Patel has mis-appropriated the said amount.

19. The advocate of the bank, Sara Desai, in his arguments states in his arguments that as per 1958, A.I.R., Andhra Pradesh, page no. 325—Agnilottam and anr. vs. Acting Officer, Venkateswaram Temple, it is clear that any owner has a right to suspend his employee. An employee can also be suspended from service in case of mis-appropriation. But in this case, the bank should have held primary enquiry before making the allegation of mis-appropriation of Rs. 5000. And first of all, for the so-called shortage of the sum of Rs. 5,000/-, report should have been made immediately and re-checking and counting of the cash should have been done in the presence of the concerned employee. In this case, the bank has not examined, as stated above the two very important and necessary witnesses, Shri H. G. Shah and Shri R. T. Haland as its witness, before the Tribunal. As such, the above judgement is not applicable to this case. The post of the cashier is very important for a bank. If the person having direct financial dealing, resorts to mis-appropriation, in such circumstances, the bank should submit first sight evidence and show to the court that the said employee has mis-appropriated the amount of the bank. As stated by Shri Desai, bank is a public undertaking and mis-appropriation of its money should be reckoned as mis-appropriation of the money of the public and the order of dismissal against Shri Patel in this matter should be confirmed. The post of cashier should be reckoned equivalent to what of an officer. And, therefore, the offence of mis-appropriation should be taken as a very harsh offence. For proving such an offence, the activity to be undertaken by the bank should be in accordance with the principles of natural justice, and the re-checking of the cash should be done in the presence of the concerned employee; and for the checking of the calculation sheet also the employee against whom the allegation is made, the calculation sheet should be prepared in the presence of the said employee, and his signature should be taken in the same. In this case the calculation sheet which has been shown on pages 1, 21 and 23 of the departmental enquiry, contains the signature of the concerned employee, Shri Patel, is not proved on behalf of the bank. The bank should prove that this calculation sheet is signed by the concerned employee Shri Patel. The signatures which are there are as the concerned employee and it is the responsibility of the bank to prove the same. Therefore, in all the above circumstances, I decide that it is not proved that the concerned employee, Shri Patel, has mis-appropriated the sum of Rs. 5,000/- of the bank. And, therefore, the order of dismissal, which is passed against Shri Patel from the service, I have no other alternative except to quash the same as being arbitrary, illegal, improper and prejudicial.

20. Shri Rathod, the advocate of the concerned employee, states in his arguments that some powers

have been conferred on the Labour Court as well as on the Tribunal under Section 11(A) of the I.D. Act. Taking into consideration the gravity of the offence, this Section contains provision to pass less soft punishment. In this case, the bank has not been able to prove the mis-appropriation of Rs. 5,000/- against Shri Patel. Therefore, in these circumstances, Shri Patel does not become liable for any offence of mis-appropriation. So, taking into consideration the above circumstances, it is necessary to quash the order of dismissal passed against him, being illegal as stated above and to order the bank to re-instate him in service. With respect to the back wages, as discussed above by Shri Patel in his statement clearly, that during the intervening period he has not served anywhere. He maintains his family out of the monetary assistance received from the relatives. In this circumstances, it is necessary to order the bank to re-instate the concerned employee and to pay to him wages from the date of his dismissal till the date of his re-instatement in service. At the same time the sum of Rs. 5,000 was recovered from the concerned employee, Shri Patel. It can be said in this regard that the action of the recovery of Rs. 5,000/- can also be reckoned as a part of the departmental enquiry. If the allegation of mis-appropriation of Rs. 5,000 made against Shri Patel is not believed to have been proved, the action of the bank of the recovery of Rs. 5,000/- from him can be reckoned as illegal and unjust. As such, in the above circumstances, it is in the best interest of justice to order the bank to return the said Rs. 5,000/- recovered from the concerned employee and, therefore, ultimately, I pass the order as under :

#### ORDER

21. The said reference is being accepted. The order passed by the first party bank dismissing the concerned employee, Shri K. T. Patel, from 1-7-1986, is hereby quashed, being illegal, unlawful and prejudicial.

Dena Bank, Bhadran branch, Dist. Kheda, is hereby ordered that they should, within 30 days of receipt of this order, re-instate the concerned employee, Shri K. T. Patel, in his original post and to his original place.

Dena Bank, Bhadran branch, Dist. Kheda, is hereby ordered that the concerned employee, i.e., Shri K. T. Patel, should be paid full salary on the date of his suspension till the date on which he is re-instated in service.

It is also hereby ordered that the first party bank has recovered Rs. 5,000/- from the concerned employee, Shri K. T. Patel. All the said amount should be returned to him along with interest at 12% within 30 days of the publication of this order.

Looking to the circumstances, in this reference, the bank should bear its own costs and the concerned employee should be paid Rs. 360/- by way of the expense of this reference.

Ahmedabad,

Date : 23-9-1990.

R. S. SHUKLA, Central Industrial Tribunal  
[No. 1-17-12/611/87-D.2(A)]

G. J. DAVE, Secy.

का. आ. 1021 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोक्ता और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-3-91 को प्राप्त हुआ था।

S.O. 1021.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, JABALPUR as shown in the Annexure in the Industrial dispute between the employers in relation to the Central Bank of India and their workmen, which was received by the Central Government on 12-3-91.

#### ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

CASE NO. CGJT/LC(R)(34)/1987

#### PARTIES :

Employers in relation to the management of Central Bank of India, Regional Office, 601 Napier Town, Jabalpur-482001 and their workman Shri Mohd. Jalil, Sub-staff S/o Lal Mohd. (Nagar Nigam Wale), Nazirabad, Satna (M.P.)

#### APPEARANCES :

For Workman —None.

For Management—None.

INDUSTRY: Banking ... DISTRICT : Jabalpur (M.P.)

#### AWARD

Dated: February 27, 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-12012/168/86-D.II(A) dated 16th April, 1987, for adjudication of the following disputes :—

“Whether the action of the management of Central Bank of India in relation to their Satna Branch (MP) in terminating the services of Shri Mohd. Jalil, Sub-staff w.e.f. 27-12-84 is justified? If not, to what relief the workman concerned is entitled?”

2. Both the parties have filed their respective statement of claims. Certain documents were also filed on behalf of the workman. The case was fixed for admission/denial of documents and evidence of parties on 20-7-90. On 14-5-1990 the workman was present in person and management was represented by Shri A.K. Khare, Advocate. But both the parties failed to appear on 20-7-90, 31-10-90 and on the last date i.e. 27-2-1991 none was present for either party. Therefore it appears that the

parties have no interest in prosecuting their case.

3. In the circumstances I have no option but to record a No Dispute Award. Award is made accordingly.

V. N. SHUKLA, Presiding Officer

[No. L-12012/168/86-D.II(A)]

का. आ. 1022 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंधन के संबद्ध नियोक्ता और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, अहमदाबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-3-91 को प्राप्त हुआ था।

S.O. 1022.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, AHMEDABAD as shown in the Annexure in the Industrial dispute between the employees in relation to the LIFE INSURANCE CORPORATION and their workmen, which was received by the Central Government on 13-3-1991.

#### ANNEXURE

BEFORE SHRI R. C. BHATT, CENTRAL INDUSTRIAL TRIBUNAL AT AHMEDABAD

Reference No. T.C. No. 6/79

Life Insurance Corporation of India,  
Ahmedabad.

#### AND

Its employees :

Re : Penalised by Management, the concerned employees, Shri M.I. Vora and Shri M.R. Patel by stoppage of 3 increments and reduced the basic pay—whether the same is just and proper, etc.

1. The present reference to the effect that in the matter of dispute between the Life Insurance Corporation of India and its employees, was entrusted to the Industrial Tribunal of Shri R.C. Israni, for adjudication under Section 10 of the Industrial Disputes Act, by Shri Nandlal. The Desk Officer, Ministry of Labour, Government of India, New Delhi, by his order No. L-17012(1)/79-DJ(A) dated, as detailed in the index of the said order, the concerned employees Shri M. I. Vora and Shri M.R. Patel, were penalised by the stoppage of three increments and reduction in the basic pay by the management; whether the same is just and proper? And if not, to what relief are the employees entitled. The same has subsequently been transferred to me by proper order.

2. During the hearing of this reference, the concerned employees were given adjournments from time to time. In spite of that the concerned employees did not remain present nor had submitted additional evidence. At last on 27-11-90 Advocate, Shri T. R. Mishra, presented himself on behalf of the employees and stated that the employees were informed to remain present but they do not remain

present. Thus it seems that the employees have no interest to remain present and to take their case forward. In these circumstances, for want of evidence and in their absence, this reference should be cancelled. I, therefore, pass the order as under :

### ORDER

3. The reference is being cancelled due to the absence of the concerned employees and for want of additional evidence. And this reference is to be treated as disposed of. No order is passed with regard to the costs.

Sd/-  
Secretary  
Ahmedabad  
Dt. 28-11-90

[No. L-17012/1/79-D.4(A)]

R. C. BHATTA, Central Industrial Tribunal

नई दिल्ली, 18 मार्च, 1991

का. प्रा. 1023 :—प्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन यून ओवरसीज बैंक के प्रबंधन के सदस्य नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित प्रौद्योगिक विवाद में प्रौद्योगिक अधिकरण, अहमदाबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-1-79 को प्राप्त हुआ था।

New Delhi, the 18th March, 1991

S.O. 1023.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government publishes the award of the Industrial Tribunal, Ahmedabad as shown in the Annexure in the Industrial dispute between the employers in relation to the Indian Overseas Bank and their workmen, which was received by the Central Government on 11-3-1991.

**BEFORE SHRI N. A. CHAUHAN, PRESIDING OFFICER CENTRAL INDUSTRIAL TRIBUNAL, AHMEDABAD.**

Reference (ITC) No. 41 of 1988

### BETWEEN ADJUDICATION

Indian Overseas Bank,  
Ashram Road, Ahmedabad-9 .. First Party

### AND

Shri A. C. Algotar,  
Khadi Utpatti Kendra,  
P.O. Sanand, Distt. Ahmedabad-382110

.. Second Party

In the matter of dismissal of Shri A. C. Algotar.

### APPEARANCES :

Shri M. J. Sheth, Advocate for the first party.

Shri Mukul Sinha, Advocate for the Second party.

### AWARD

This reference u/s. 10(1)(d) read with 10(2A) of the Industrial Disputes Act, 1947 (hereinafter to be referred as 'the Act') is referred by the Central Government through Labour Secretariat, New Delhi vide their order dated 20-12-88 bearing No. L-12012/365/

88-DI(A) for deciding the industrial dispute between the parties.

2. The industrial dispute referred is to the effect whether the dismissal of Shri A. C. Algotar is justified? If not, to what relief the concerned workman Shri A. C. Algotar is entitled?

3. The facts leading to the present industrial dispute are not much in dispute. The concerned employee, Shri A. C. Algotar was working as a Shroff/Go-down Keeper at the Ashram Road Branch of the Bank. On 7-8-84, he was assigned the duty as of Cashier. During May, 1985 he was served with a notice mentioning that while he had worked as Cashier on 7-8-84, there was a deficit of Rs. 1000 in the cash and he was asked to make good the deficit amount. Shri Algotar initially replied that he is not in a position to explain as to why there has been deficit because his attention is drawn after about eight months, but later on, on or about 18-6-85 he made good the aforesaid loss. It appears that for retaining Rs. 1000 with him he was served with a charge sheet. After the inquiry he was held guilty for misappropriation of the amount and vide order dated 7-11-86, his services were terminated. Shri Algotar preferred an appeal to the Appellate Authority but it was dismissed on 21-12-87. Shri Algotar being dissatisfied has raised this industrial dispute.

4. Shri Algotar has filed the statement of claim vide Ex. 7 wherein he has contended that in the departmental inquiry, he was not given sufficient opportunity to defend himself and, therefore, the inquiry is bad and illegal. About the facts his contention is that the Bank had asked him to explain the discrepancy of shortage of cash of Rs. 1000 after about eight months which was impossible for him. In any event, it is contended by Shri Algotar that as per the Bank's letter dated 18-6-85 he had made good the deficit amount even though the Bank has victimised him by starting disciplinary action. It is also the contention of Shri Algotar that beyond himself other Cashiers & Chief Cashier, Shri H. K. Vaishnav were working and during the course of the day i.e. on 17-8-85 he had handed over different amounts from the cash received by him to the Head Cashier. In this connection, it is the say of Shri Algotar that till 3.00 P.M. he had handed over a sum of Rs. 41000 to the Chief Cashier, but the Chief Cashier later on told him that the amount handed over by him was Rs. 40000 and not Rs. 41000 and relying upon his word, he had accepted that quantum being the correct amount. Thus it is the say of Shri Algotar that as a matter of fact he has not misappropriated any amount, but he is made the victim of circumstances and, therefore, he should be reinstated with full back wages.

6. The first party—Bank—has resisted the aforesaid claim by filing written statement Ex. 9. It is the say of the Bank that in the departmental inquiry, Shri Algotar was given sufficient opportunity to defend himself and therefore the proceedings of the departmental inquiry cannot be held to be illegal. In the alternative it is the say of the Bank that if the Tribunal come to the conclusion that the proceedings of the departmental inquiry are vitiated by any technical flaw the Bank should be given an opportunity to justify the charges. About the facts the say of the Bank is that M/s. Ilac Ltd. had tendered a sum of

Rs. 2,159.90 ps. by cash voucher to the cashier Shri Algotar. In the pay-in-slip the amount in words was written correctly as Rs. 2,159-90 ps., but in figures it was mentioned as Rs. 1,159-90. It is the case of the Bank that Shri Algotar took advantage of this discrepancy and only credited Rs. 1,159-90 ps. to the Bank's account even though the customer had tendered Rs. 2,159.90 ps. This mischief was found later on while scrutinising the account and, therefore, the departmental inquiry against Shri Algotar was held and the charge levelled against him was proved and therefore, He has been rightly dismissed from service.

6. As the concerned employee had challenged the legality of the domestic inquiry that issue was decided to be determined as preliminary issue. After recording the evidence tendered by the party, vide order Ex. 19 dated 30-4-90 this Tribunal came to the conclusion that the proceedings of the departmental inquiry were held without giving proper opportunity and, therefore, they were illegal. As the Bank had sought opportunity to justify the charge levelled against Shri Algotar, the matter was adjourned for enabling the Bank to justify the charge. But both the parties have filed a Petition at Ex. 25 that they do not want to lead any oral evidence and they agree that the Tribunal should decide the point at issue while considering the documentary evidence produced in this reference by the Bank as well as by the employee. In this connection, it may be mentioned that the Bank has produced the documentary evidence vide list Ex. 10, which inter alia, contains the evidence recorded before the inquiry officer and the documents produced before the inquiry officer. As stated earlier, the parties have agreed that this Tribunal should decide whether from the documentary evidence produced vide Ex. 10, the charge levelled against Shri Algotar is proved or not? The charge levelled against Shri Algotar is as under :—

"It is reported that while you were working as Receiving Cashier at the receiving cash counter of our Ashram Road on 7-8-84 you had committed the following acts of commission and omission.

"It is reported that on 7-8-84 M/s. Ilae Ltd., current account holder, remitted in cash to you a sum of Rs. 2,159.90 ps. along with necessary pay-in-slip to be credited into their CD account with the Branch, and having received the said amount of cash so paid, you had accounted in Bank's books of account only a sum of Rs. 1,159-90 ps. as against the sum of Rs. 2,159.90 ps. received by you, thereby misappropriated a sum of Rs. 1,000."

The charges established in an inquiry will render you guilty of gross misconduct in terms of para 17.5(a) and 17.5(i) and constituted an offence in 17.2 of our by-laws settlement between the Bank and its workmen dated 14-12-65 as amended upto date.

No para 17.5(a) pertains to wilful damage of attempt to cause damage to the property of the Bank or any of its customers, whereas paragraph 17.5(i) pertains to doing any act prejudicial to the interests of the Bank or doing any act by gross negligence which would involve or is likely to involve the bank in serious loss. Thus the charge levelled against Shri

Algotar is of causing wilful damage to the Bank as well as causing damage to the Bank by negligence.

7. It is an admitted position that Shri Algotar was working as one of the Cashiers on 7-8-84. It is also an admitted fact that on 7-8-1984 M/s. Ilae Ltd. tendered an amount in cash vide pay-in-slip, xerox copy of which is at serial No. 19 of Ex. 10. That slip would show that the customs mentioned in the column of words "Two thousand one hundred fifty nine and paise ninety only" whereas in the column of amount in figures he mentioned "Rs. 1,159-90 ps." In this pay-in-slip the customers is required to mention various denominations of the currency notes that he as tendered for payment. In this pay-in-slip he has mentioned that he has tendered 10 notes of Rs. 100 denomination and 23 notes of Rs. 50 denomination and Rs. 9-90 ps. by small coins, Shri Mukul Sinha who appears for Shri Algotar has fairly considered that this is the xerox copy of the pay-in-slip tendered by the customer and the customer had tendered the amount as per denominations mentioned in the slip. Thus it is clear that the customer had tendered a sum of Rs. 2,159-90 ps. to Shri Algotar vide this pay-in-slip serial No. 20 of Ex. 10. The receiving counter cash book is produced. In this cash book receiving cashier is required to mention the amount received from various customers. In this cash book, Shri Algotar has mentioned that a sum of Rs. 1,159-90 ps. only was received. Against this entry he has mentioned that 10 notes of Rs. 100 denomination and 23 notes of Rs. 50 denomination were received from the customer. That would show that the amount received could not be Rs. 1,159-90 ps. but Rs. 2,159-90 ps. which was correctly mentioned inwards in the pay-in-slip. Thus it is clear that even though Shri Algotar had received Rs. 2,159-90 ps. from this customer he has credited only Rs. 1,159-90 ps. in the Bank's cash book. Thus it is clear that a sum of Rs. 1,000 less is credited to the Bank's account by Shri Algotar. From this circumstance, it has been argued by Shri Sheth that a deliberate attempt has been made by Shri Algotar to swindle Rs. 1,000 it is pertinent to note that the customer had made a mistake in the pay-in-slip. He mentioned the correct amount in words. He also mentioned the correct denominations of the notes tendered by him for payment vide pay-in-slip but in the column of figures in the amount tendered he made a mistake and he mentioned Rs. 1,159.90 ps. It is submitted by Shri Sinha that the cashier has to simultaneously make entry in the cash book and Shri Algotar made the entry in the cash book on the basis of the particulars given in the pay-in-slip. It has been further contended by Shri Sinha that in the cash book, Shri Algotar has mentioned that 10 notes of Rs. 100 denomination and 23 notes of Rs. 50 denomination were received by this pay-in-slip. This would support the contention of Shri Sinha that there was no mala fide on the part of Shri Algotar else he would not mention that 10 notes of Rs. 100 denomination and 23 notes of Rs. 50 denomination were received by him. He would either mention that no note of Rs. 100 denomination was received or he would mention that only 3 notes of Rs. 50 denomination were received if he had guilty mind to swindle away the amount. This the submission of Shri Sinha appears quite convincing. It appears that as the customer had made a mistake Shri Algotar nonchalantly copied down the amount mentioned by the customer in pay-in-slip and into the cash-book therefore, he mentioned in the last column that a sum

of Rs. 1,159-90 ps. was received against this slip as the customer had mentioned that amount in the slip. Thus it is not possible to agree with Shri Sheth that Shri Algotar had deliberately credited less amount of Rs. 1,000 in the cash book. It is clear that the customer had made a mistake and Shri Algotar copied down the customer had mentioned in the pay-in-slip. It can be said that if he was not negligent he should have verified the contents of the pay-in-slip and should have brought to the notice of the customer that there is discrepancy about the amount mentioned in the pay-in-slip. It was his duty to examine this slip while receiving the amount. Hence it can be said that he was negligent to that extent and, therefore, Rs. 1,000 is credited less in the Bank's account because the customer had mentioned in figures that a sum of Rs. 1,159-90 ps. was only tendered even though he had tendered a sum of Rs. 2,159-90 ps. Thus on consideration of the facts which are not in dispute, it is clear that the customer had, no doubt, tendered a sum of Rs. 2,159-90 ps. to Shri Algotar but he had made the above mentioned mistake in the pay-in-slip and that led Shri Algotar to commit a mistake in crediting this amount to the Bank's accounts book and, therefore, a sum of Rs. 1,000 was credited less in the Bank's accounts book. The facts clearly go to show that Shri Algotar had not done this dishonestly, but he was rather negligent. As stated earlier, he ought to have examined the pay-in-slip and told the customer to remove the discrepancy. Had he done so, this mistake would not have occurred. Thus it is not possible to agree with Shri Sheth that Shri Algotar had deliberately credited less amount of Rs. 1,000 in Bank's account. It is true that a sum of Rs. 1,000 is credited less in the Bank's account, but that is because of negligence of Shri Algotar.

8. It has been argued by Shri Sheth that in any event a sum of Rs. 1,000 should have been found in excess of the amount mentioned in the cash book, the copy of which is at Serial No. 20 of Ex. 20. But no such amount has been found nor credited with the Bank as excess amount. It is true that a sum of Rs. 1,000 has not been credited on that day as an excess amount. In this connection, it is pertinent to note that it is the say of Shri Algotar that he had handed over a sum of Rs. 41,000 to Shri Vaishnav before 3-00 PM from the cash received by him. But as Shri Vishnav told that a sum of Rs. 40,000 has only been received by him. He relied upon Shri Vaishnav and accepted that he had handed over Rs. 40,000. It is contended by Shri Sinha that it is quite possible that Shri Algotar had handed over Rs. 41,000 and not Rs. 40,000 as mentioned by Shri Vaishnav. On this point, there is no evidence led before the inquiry officer. No evidence is led before this Tribunal. It is quite possible that Shri Algotar might have given Rs. 41,000 to Shri Vaishnav. It is not possible to say with certainty that the excess amount of Rs. 1,000 was retained by Shri Algotar. It is quite possible that he might have retained the same or that he might have passed on Rs. 41,000 to Shri Vaishnav instead of Rs. 40,000 entered in the book. Hence from the circumstance that no excess cash is reported. It is not possible to agree with Shri Sheth that Shri Algotar had mala fide intention of swindling away Rs. 1,000 from the cash received by him. Even for the sake of reiteration, it may be mentioned that had there been a deliberate act on the part of Shri Algotar he would not have mentioned against the entry of Ilac Ltd.

that he had received 10 notes of Rs. 100 denomination and 23 notes of Rs. 50 denomination. He would mention such figures in the column of 100 denomination and 50 denomination so as to tally with Rs. 1,159-90. Hence on consideration of the evidence tendered before the inquiry officer, it is not possible to agree with Shri Sheth that Shri Algotar had a guilty mind to swindle Rs. 1,000 from the cash received by him and, therefore, he mentioned in the cash book that only a sum of Rs. 1,159-90 ps. was received. It is clear that the customer had made a mistake and, therefore, this discrepancy arose in the cash book. Thus this is a case not of dishonesty intention but of negligence. Shri Algotar can be said to be negligent when he did not verify the contents of the pay-in-slip. He was expected to verify that the amount mentioned in words and figures tally or not. Had he done that this discrepancy would not have occurred. I, therefore, do not agree with Shri Sheth that this was a deliberate and intentional act on the part of Shri Algotar. But as stated earlier, I am of the opinion that Shri Algotar was negligent and, therefore, this mistake has occurred. Hence Shri Algotar is, no doubt, required to be held guilty for negligence but not for dishonesty.

9. The next question that requires consideration is whether the punishment of dismissal of service imposed upon Shri Algotar is justified or not? It is pertinent to note that the misconduct proved against Shri Algotar is of showing of negligence in his duty, for such an act it would be too harsh to inflict the punishment of dismissal. It is pertinent to note that in our country neither the Central Government nor the State Government provides for unemployment allowance. It is also pertinent to note that problem of unemployment is very rampant in our country. Hence for such an act of negligence it would be too harsh to inflict the punishment of dismissal. It is pertinent to note that Shri Algotar was dismissed from service during November, 1986. We are disposing of this case in March, 1991. Thus Shri Algotar is out of job and is without wages for a period of more than four years. Shri Sinha has argued that the employee should be reinstated with full back wages and a minor punishment of withholding one increment for few months be awarded. As against that Shri Sheth has argued that punishment of dismissal is quite just. I am of the opinion that the punishment of dismissal is too harsh for such an act of negligence. It is impossible to accept the punishment of dismissal even though he was a bank employee. It is pertinent to note that if the Bank cashier makes overpayment then he has to make good the amount on that very day. Under such circumstance even if we accept that an excess sum of Rs. 1,000 was retained by Shri Algotar, even then the punishment of termination is too harsh. It is pertinent to note that he might prefer to retain the amount considering the circumstance that if by chance he makes overpayment then he is required to make good that amount. Hence from the circumstance that excess cash is not shown by Shri Algotar it is not possible to agree with Shri Sheth that Shri Algotar deserved the punishment of dismissal. Under such circumstance, I think that the justice would be done if Shri Algotar is directed to be reinstated within a week from the publication of this award without back wages. Shri Algotar has already lost wages for about four years that would be sufficient punishment. Under such circumstance I do not deem it just and proper to in-

flict him any other punishment for the aforesaid act of negligence. It also requires to be clarified that this default should not affect the career of Shri Algotar for future prospects and promotion. It would be just and proper to direct the Bank to fit in Shri Algotar in the revised pay scale as per the by-partite settlement on the basis of his last basic pay drawn by him at the time of his termination. I, therefore, propose the following final order in this reference.

## ORDER

10. The concerned employee, Shri A. C. Algotar is held guilty for act of negligence. The punishment inflicted by the Bank is held to be too harsh and, therefore, the Bank is directed to reinstate Shri Algotar with continuity of service within a week from the publication of this award. It is made clear that this default of Shri Algotar should not come in the way of Shri Algotar for future prospect and promotion. It is also made clear that Shri Algotar will be entitled to new pay scale as per the new by-partite settlement on the basis of last basic pay drawn by him at the time of termination of his service. Considering the facts, the parties are directed to bear their own cost.

N. A. CHAUHAN, Presiding Officer

**SECRETARY**

**Ahmedabad, 7th March, 1991.**

[No. L-12012|365|88-D.II(A)]

V. K. VENUGOPAL, Desk Officer

नई दिल्ली, 20 मार्च, 1991

का. प्रा. 1024.--भूना पत्थर और डोलोमाइट खान श्रम कल्याण निधि नियमावली, 1973 के नियम 3 के उप नियम (2) तथा नियम 18 के साथ पटिन भूना पत्थर और डोलोमाइट खान श्रम कल्याण निधि अधिनियम, 1972 (1972 का 62) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये इसके द्वारा इस अधिसूचना के जारी होने की तिथि से केन्द्रीय सरकार उद्दिष्ट विषय के लिये निम्नलिखित सक्त्यों को भत्ताहकार समिति में नियुक्त करनी है, यथा

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|----|--|---|
| 1  | मंत्री, श्रम और रोजगार :<br>उड़ीसा सरकार, भुवनेश्वर  | अध्यक्ष   |
| 2  | कल्याण प्रायुक्त, भुवनेश्वर  | उपाध्यक्ष (पंचेन)                               |
| 3  | प्रारंभिक श्रम प्रायुक्त (के)<br>भुवनेश्वर   | केन्द्रीय सरकार का प्रतिनिधित्व करने वाला सदस्य |
| 4  | श्री किशोर कुमार मोहंती<br>विधान सभा सदस्य<br>झारमुगुडा गाँव, जारङ्ग<br>पो—झारमुगुडा, जिला संभलपुर | विधान सभा सदस्य                                 |
| 5. | श्री जी एम. खट्टीया<br>महाप्रबन्धक (सेल) श्री एम व्ही<br>राउरकेला                                  | } नियोजकों के प्रतिनिधि                         |
| 6. | श्री एम एम साहू,<br>महाप्रबन्धक<br>(माइनस्टोन खदान)<br>आई.डी.सी., भुवनेश्वर                        |   |

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|-----|---|-----------------------------|
| 7   | श्री विष्णुचरण मोहंती<br>मुन्दरगढ़ खयान मजदूर सघ,<br>पो. राउरकेला,<br>जिला मुन्दरगढ़    | ]                           |
| 8.  | श्री के. एम. पायक,<br>महामचिय,<br>पुरन्याली मजदूर संघ,<br>पो. पुरन्याली, जिला मुन्दरगढ़ | }] कष्टचारियों के प्रतिनिधि |
| 9.  | श्रीमती प्रसिन्ना बाईरर<br>पो. सम्भलपुर, जिला भूमनपुर                                   | ] महिला प्रतिनिधि           |
| 10. | कल्याण प्रशासक, भयनेश्वर<br>गचिव  |                             |

2. उक्तं सनाहकार यमिति का मध्याह्नय भवनेष्वर मे श्लोका ।

[सं य - 19012/4/89-सकय-II (सी)।

बी. डी. नागर, अवर सचिव

New Delhi, 20th March, 1991.

S.O. 1024 :—In exercise of the powers conferred by section 6 of the Limestone and Dolomite Mines Labour Welfare Fund Act, 1972 (62 of 1972), read with sub-rule (2) of rule 3 and rule 18 of the Limestone & Dolomite Mines Labour Welfare Fund Rules, 1973, the Central Government hereby appoints the following persons to the Advisory Committee for the State of Orissa with effect from the date of issue of this notification, namely:—

- |   |   |
|---|---|
| 1. Minister,<br>Labour & Employment,<br>Government of Orissa,<br>Bhubaneswar.   | Chairman                                |
| 2. Welfare Commissioner,<br>Bhubaneswar,  | Vice-Chairman<br>(Ex-officio).          |
| 3. Regional Labour Commissioner<br>(Central),<br>Bhubaneswar.   | Member<br>representing Central<br>Govt. |
| 4. Shri Kishore Kumar Mohanty,<br>M.L.A.,<br>Jharsuguda,<br>At Mangabazar,<br>P.O. Jharsuguda,<br>District Sambalpur.           | Member of Legis-<br>lative Assembly     |
| 5. Shri G.S. Khuntia,<br>General Manager (SAIL)<br>OMQ, Roukela.  | Employers<br>representatives            |
| 6. Shri S.M. Sahoo,<br>General Manager,<br>(Mine Stone Mines),<br>I.D.C.,<br>Bhubaneswar.                                       |   |
| 7. Shri Bishnu Charan Mohanty,<br>General Secretary,<br>Sundargarh Khadan Mazdoor Union<br>P.O. Rourkela,<br>Distt. Sundargarh. |   |
| 8. Shri K.L. Pathak,<br>General Secretary,<br>Purunapalli Mazdoor Union,<br>P.O. Purunappalli,<br>Distt. Sundargarh             |   |

9. Mrs. Pramila Bohidar,  
P.O. Sambalpur,  
Distt. Sambalpur. Woman  
representative.

10. Welfare Administrator,  
Bhubaneswar Secretary.

2. The headquarters of the said Advisory Committee shall  
be at Bhubaneswar.

[No. U-19012/4/89-W II(C)]

V D. NAGAR, Under Secy.

नई दिल्ली, 22 मार्च, 1991

का श्र 1025—यन मैमर्स मानोटायप हण्डिया लिमिटेड 12, गकसेट पैगम ईस्ट, कलकत्ता-700 009 और इसकी कलकत्ता, हुवाड़ाबाद, बरदई, सद्धान, नई दिल्ली श्री अश्वनी म स्थित शाखाएं।

(इसके अंगे जहाँ कहीं भी उक्त स्थापना शब्द का प्रयोग हो इसमें अधिप्राय उक्त स्थापना से है) ने कर्मचारी भविष्य निधि और प्रकाण उपभोग अधिनियम, 1952 (1 52 का 14) इसके अंगे उक्त अधिनियम के नाम से निर्दिष्ट की धारा 17 की उपधारा (1) के खंड (क) के अन्तर्गत छूट प्राप्त करने के लिए आवेदन किया है।

यह केन्द्र सरकार की राय में उक्त स्थापना के कर्मचारियों के लिए तैयार किए गए भविष्य निधि नियमों में अग्रदान की दर उक्त अधिनियम की धारा 6 में उल्लिखित कर्मचारी अग्रदान की दर से कम नहीं है तथा इसके कर्मचारियों की मिलने वाले भविष्य निधि लाभ उक्त अधिनियम तथा कर्मचारी भविष्य निधि स्कीम 1952 (इसके अंगे जहाँ कहीं भी स्कीम शब्द का प्रयोग किया गया है उसमें अधिप्राय उक्त स्कीम से है) में उल्लिखित लाभों में किसी भी प्रकार से कम नहीं है जो इस वर्ष की स्थापनाओं में वर्गगत कर्मचारियों की उपलब्ध है।

अब इसलिये उक्त अधिनियम की धारा 17 की उपधारा एक के खंड (क) द्वारा प्रदत्त अधिकारों का प्रयोग करने हुए और सस्म अतुसूची में वर्णित शर्तों के अधीन केन्द्रीय सरकार उसके द्वारा उक्त स्थापना को उक्त स्कीम के सभी उपबन्धों के लागू होने से छूट प्रदान करती है।

#### अनुसूची

1. उक्त स्थापना में सर्वाधिक नियोक्ता केन्द्र सरकार के द्वारा समय समय दिए गए निर्देश के अनुसार उक्त अधिनियम की धारा 17 की उपधारा (3) के खंड (क) में उल्लिखित निरीक्षण के लिए सुविधाएं प्रदान करेगा और ऐसे निरीक्षण प्रसार की प्रदायगी प्रत्येक माह की समाप्ति के लिए 15 दिन के अन्तर करेगा।

2. न छूट प्राप्त स्थापनाओं के संबंध में उक्त अधिनियम और उनके अधीन भुजित उक्त स्कीम के अन्तर्गत देय अग्रदान के दर में स्थापना के भविष्य निधि नियमों के अन्तर्गत देय अग्रदान का दर किसी समय भी कम न होगा।

3. पेशगिरी के मामले में छूट प्राप्त स्थापना की स्कीम कर्मचारी भविष्य निधि स्कीम 1952 में कम हिनकर नहीं होगी।

4. उक्त स्कीम में कोई भी मशोधन जो स्थापना के वर्तमान नियमों से अधिक लाभकारी है उन पर अपने आप लागू किया जाएगा। उक्त स्थापना के भविष्य निधि नियमों में कोई भी मशोधन क्षेत्रीय भविष्य निधि प्रायुक्त की पूर्व अनुमति के बिना नहीं किया जाएगा और जहाँ किसी मशोधन में उक्त स्थापना के कर्मचारियों के हित के प्रतिकूल प्रभाव होने की सम्भावना है वहाँ अपनी अनुमति देने से पूर्व, क्षेत्रीय

भविष्य निधि प्रायुक्त, कर्मचारियों को अपने विचार प्रस्तुत करने का उचित अवसर देगा।

5. यदि स्थापना को छूट न दी जाती तो वे सभी कर्मचारी (जैसे उक्त अधिनियम की धारा 2(च) में निश्चित किया गया है) जो सदस्य बनने के पात्र होंगे, सदस्य बनाए जाएंगे।

6. जहाँ एक कर्मचारी जो कर्मचारी भविष्य निधि (कानूनी) या किसी अन्य छूट प्राप्त स्थापना का पहले से सदस्य है, की अपनी स्थापना में काम पर लगाया जाता है तो नियोक्ता उसे निधि का तुल्य सदस्य बनाएगा और ऐसे कर्मचारी के पिछले नियोक्ता के पास भविष्य निधि लेखों में सचवा का अमरित करान और उसके लेखों में जमा करान की व्यवस्था करेगा।

7. केन्द्रीय भविष्य निधि प्रायुक्त के द्वारा अथवा केन्द्रीय सरकार के द्वारा जैसे भी मामला हो, समय-समय पर दिए गए निर्देशों के अनुसार भविष्य निधि के प्रबंध के लिए नियोक्ता न्यायी बोर्ड की स्थापना करेगा।

8. भविष्य निधि न्यायी बोर्ड में निहित होगा जो अन्य बातों के होते हुए भविष्य निधि में प्राप्त के उचित लेखों और भविष्य निधि में अदायगी और उनकी अभिरक्षा में श्रेणी के लिए कर्मचारी भविष्य निधि संगठन के उत्तरदायी होगी।

9. न्यायी बोर्ड कम से कम 3 माह में एक बार बैठक करेगा और केन्द्र सरकार द्वारा समय-समय पर जारी किए गए मार्ग निर्देशों के अनुसार कार्य करेगा। केन्द्रीय भविष्य निधि प्रायुक्त को अधिकार होगा कि वह किसी अन्य राज्य लेखा परीक्षक से खातों की दुबारा लेखा परीक्षा कराए और ऐसे पुन लेखा परीक्षा ने खर्च नियोक्ता वहन करेगा।

10. न्यायी बोर्ड द्वारा रखे गए भविष्य निधि लेख अर्हता प्राप्त निष्पक्ष जाटडे अकाउन्टेन्ट द्वारा वार्षिक लेखा परीक्षा के अध्याधीन होंगे जहाँ आवश्यक समझा जाए, केन्द्रीय भविष्य निधि प्रायुक्त को किसी अन्य अर्हता प्राप्त लेखा परीक्षा द्वारा लेखों की पुन लेखा परीक्षा कराने का अधिकार होगा और इस पर द्वारा व्यय नियोक्ता द्वारा वहन किया जाएगा।

11. प्रत्येक वर्ष स्थापना के लेखा परीक्षण तुल्य-पक्ष के साथ लेखा परीक्षक वार्षिक भविष्य निधि लेखों की एक प्रति वित्तीय वर्ष की समाप्ति के छ माह के अन्दर क्षेत्रीय भविष्य निधि प्रायुक्त की प्रस्तुत की जाएगी। इन प्रयोजन के लिए भविष्य निधि का वित्तीय वर्ष पहला अर्ध से 31 मार्च तक होगा।

12. नियोक्ता प्रतिमाह भविष्य निधि के देय अपने कर्मचारियों के अग्रदानों की प्रत्येकी माह की 15 तारीख तक न्यायी बोर्ड को अमरित कर देगा। अग्रदानों की विलम्ब से अदायगी करने के लिए समान परिस्थितियों में नियोक्ता नुकशानी देने का उसी प्रकार उत्तरदायी होगा जिस प्रकार एक न छूट प्राप्त स्थापना उत्तरदायी होती है।

13. न्यायी बोर्ड सरकार द्वारा समय समय दिए गए निर्देशों के अनुसार निधि में जमा राशियों का निवेश करेगा। प्राप्तिभूतियों न्यायी बोर्ड के नाम पर प्राप्त की जाएगी और भारतीय रिजर्व बैंक के जमा नियन्त्रण में अनुसूचित बैंक की अधिकार में रखा जाएगा।

14. सरकार के निर्देशों के अनुसार निर्देश न करने पर न्यायी बोर्ड अलग-अलग रूप में और एक साथ केन्द्रीय भविष्य निधि प्रायुक्त या उसके प्रतिनिधियों द्वारा लगाए गए अधिक प्रभार का उत्तरदायी होगा।

15. न्यायी बोर्ड एक वस्तु-अधारी ग्रेजिटर तैयार करेगा और ब्याज और विमोचन आय की समय पर समूची सुनिश्चित करेगा

16 जमा किए गए अशदानों निकाले गए और प्रत्येक कर्मचारी में संबंधित अशदान को दखान के लिए न्यासी बोर्ड विस्तृत छेदों नेवार करेगा।

17 वित्तीय लेखा वर्ष को समाप्त के छ माह के प्रत्येक बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण जाग करेगा।

18 बोर्ड प्रत्येक कर्मचारी का वार्षिक लेखा विवरण के स्थान पर पामबुक जाग कर सकता है। ये पाम बुक कर्मचारियों की अभिरक्षा में रहेगी और कर्मचारियों के प्रस्तुतीकरण पर बोर्ड के द्वारा उन्हें अद्यतन किया जाएगा।

19 लेखा वर्ष से पहले दिन आदि शेष पर प्रत्येक कर्मचारी के लेखा में अशदान उस दर से जमा किया जाएगा जिसका न्यासी बोर्ड निर्णय करे परन्तु यह उक्त स्कीम के पैरा 60 के अन्तर्गत केन्द्रीय सरकार द्वारा घोषित दर से कम नहीं होगा।

20 यदि न्यासी बोर्ड केन्द्रीय सरकार द्वारा घोषित व्याज की दर इस कारण से कि निवेश पर आय कम है या किसी अन्य कारण से अदा करने में असमर्थ है तो इस कर्मों को नियोजन पूरा करेगा।

21 नियोजन भविष्य निधि की चोरी के कारण गृह खस्राट अमानत गबन अवधि किसी अन्य कारण से हुई क्षति को पूरा करेगा।

22 नियोजन और न्यासी बोर्ड क्षेत्रीय भविष्य निधि आयुक्त को ऐसी विवरणियां प्रस्तुत करेगा जो समय-समय पर केन्द्रीय सरकार केन्द्रीय भविष्य निधि आयुक्त निर्धारित करे।

23 उक्त स्कीम के पैरा 69 की शैली पर किसी कर्मचारी को निधि के सदस्य न रहने पर यदि स्वायत्ता के भविष्य निधि नियमों में नियोजनार्थी के अशदानों को जमा करने की व्यवस्था है तो न्यासी बोर्ड इस प्रकार जमा की गई राशियों का अलग से लेखा तैयार करेगा और उस ऐसे प्रयोजनों के लिए उपयोग करेगा जो केन्द्रीय भविष्य निधि आयुक्त को पूर्व अनुमति से सुनिश्चित किया गया हो।

24 स्वायत्ता के भविष्य निधि नियमों में निर्दिष्ट किसी बात के होते हुए भी यदि किसी व्यक्ति की सेवा निवृत्ति होने के फलस्वरूप या किसी अन्य प्रतिष्ठान में नौकरी करने पर निधि की सदस्यता समाप्त हो जाती है यह पता लगता है कि प्रतिष्ठान के भविष्य निधि नियमों के अन्तर्गत अशदान की दर समग्रहण की दर आदि संचितिक योजना के अन्तर्गत दो गई दरों की तुलना में कम अनुकूल है तो अन्तर का अहन नियोजन द्वारा किया जायेगा।

25 नियोजन भविष्य निधि के प्रशासन में संबंधित सभी खर्च जिसमें लेखों के रखरखाव रिटर्न प्रस्तुत किए जाने, राशियों का अन्तरण शामिल है वहन करेगा।

26 नियोजन समुचित प्राधिकारी द्वारा अनुमोदित निधि के नियमों की एक प्रति तथा जब भी बोर्ड सशोधन होता है, उसका मुख्य बातों को कर्मचारियों के बहुजन की भाषा में अनुवाद करके स्थापना के बोर्ड पर लगाएगा।

27 „सम्बन्धित सरकार“ स्थापना की क्षान छूट पर और शर्तें लगाने सकती है।

28 यदि उक्त अधिनियम के अन्तर्गत स्थापना वर्ग जिसमें उसकी स्थापना आती है, पर अशदान की दर बढ़ाया जाती है, नियोजन भविष्य निधि अशदान की दर उचित रूप में बढ़ाएगा, ताकि उक्त अधिनियम के अन्तर्गत किए जाने वाले लाभों से स्थापना की स्कीम के अन्तर्गत दिए जाने वाले भविष्य निधि के लाभ किसी भी प्रकार से कम न हों।

29 उक्त शर्तों में से किसी एक के उल्लंघन पर छूट रद्द की जा सकती है।

[मअया एम 35015/1/91-ए.एस.एफ.०11]

New Delhi, the 22nd March, 1991

S.O. 1025.—Whereas Messrs Monotype India Ltd., 12, Government Place, East Calcutta-700069 and its branches situated at Calcutta, Aliahabad, Bombay, Madras, New Delhi and Bangalore (hereinafter referred to as the said establishment has applied for execution under clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) hereinafter referred to as the said Act);

And whereas in the opinion of the Central Government the rules of the Provident Fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said scheme) in relation to the employees in any other establishment of a similar character,

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the said Act and subject to the conditions specified in the schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme.

## SCHEDULE

1. The employer in relation to the said establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may from time to time direct under clause (a) of sub-section (3) of section 17 of said Act within 15 days from the close of every month.

2. The rate of contribution payable under the provident fund rules of the establishment shall at no time be lower than those payable under the said Act in respect of the unexempted establishments and the said Scheme framed thereunder.

3. In the matter of advances, the scheme of the exempted establishment shall not be less favourable than the Employees Provident Fund Scheme, 1952.

4. Any amendment to be said scheme this is more beneficial to the employees than the existing rules of the establishment shall be made applicable to them automatically no amendment of the rules of the provident fund of the said establishment shall be made without the previous approval of the Regional Provident Fund Commissioner and where any amendment is likely to affect adversely the interest of the employees of the said establishment, the Regional Provident Fund Commissioner shall, before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

5. All employees (as defined in section 2(f) of the said Act) who would have been eligible to become members of the Provident Fund had the establish-



ment not been granted emption shall be enrolled as members.

6. Where an employee who is already a member of the Employees' Provident Fund (Statutory) or a Provident Fund of any other exempted establishment is employed in his establishment, the employer shall immediately enroll him as a member of the fund and arrange to have the accumulations in the provident fund account of such employee with his previous employer transferred and credited to his account.

7. The employer shall establish a Board of Trustees for the management of the provident fund according to such directions as may be given by the Central Provident Fund Commissioner or by the Central Government, as the case may be, from time to time.

8. The provident fund shall vest in the Board of Trustees who will be responsible for and accountable to the Employees' Provident Fund Organisation inter alia for proper accounts of the receipts into and payments from the Provident Fund and the balance in their custody.

9. The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the Central Government/Central Provident Fund Commissioner or an officer authorised by him.

10. The accounts of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified independent chartered Accountant annually. Where considered necessary, the Central Provident Fund Commissioner shall have the right to have the accounts re-audited by any other qualified auditor and the expenses so incurred shall be borne by the employer.

11. A copy of the audited annual provident fund accounts together with the audited balance sheet of the establishment for each accounting year shall be submitted to the Regional Provident Fund Commissioner within six months after the close of the financial year. For this purpose the financial year of the provident fund shall be from the 1st of April to the 31st of March.

12. The employer shall transfer to the Board of Trustees the contributions payable to the Provident Fund by himself and the employees by the 15th of each month following the month for which the contributions are payable. The employee shall be liable to pay damages to the Board of Trustees for any delay in payment of the contributions in the same manner as an un-exempted establishment is liable under similar circumstances.

13. The Board of Trustees shall invest the monies in the fund as per directions that may be given by the Government from time to time. The securities shall be obtained in the name of the Board of Trustees and shall be kept in the custody of a Scheduled Bank under the Credit Central of the Reserve Bank of India.

14. Failure to make the investments as per directions of the Government shall make the Board of

Trustees severally and jointly liable to surcharge as may be imposed by the Central Provident Fund Commissioner or his representative.

15. The Board of Trustees shall maintain a script-wise register and ensure timely realisation of interest and ensure timely realisation of interest and redemption proceeds.

16. The Board Trustees shall maintain detailed accounts to show the contributions credited, withdrawal and interest in respect of each employee.

17. The Board shall issue an annual statement of account to every employee within six months of the close of financial accounting year.

18. The Board may, instead of the annual statement of accounts, issue passbooks to every employee. These pass books shall remain in the custody of the employees and will be brought up to date by the Board on presentation by the employees.

19. The account of each employee shall be credited interest calculated on the opening balance as on the 1st day of the accounting year at such date may be decided by the Board of Trustees but shall not be lower than rate declared by the Central Government under para 60 of the said Scheme.

20. If the Board of Trustees are unable to pay interest at the rate declared by the Central Government for the reason that the return on investment is less or for any other reason, than the deficiency shall be made good by the employer.

21. The employer shall also make good any other loss that may be caused to the Provident Fund due to theft burglary, defalcation, mis-appropriation or any other reason.

22. The employer as well as the Board of Trustees shall submit such returns to the Regional Provident Fund Commissioner as the Central Government/Central Provident Fund Commissioner may prescribe from time to time.

23. If the Provident Fund rules of the establishment provide for forfeiture of the employer's contribution in cases where an employee ceases to be a member of the fund on the lines of para 69 of the said Scheme, the Board of Trustees shall maintain a separate account of the amounts so forfeited and may utilise the same for such purposes as may be determined with the prior approval of the Central Provident Fund Commissioner.

24. Notwithstanding anything contained in the provident fund rules of the establishment, if on the cessation of any individual from the membership of the fund consequent on retiring from service or on taking up the employment in some other establishment, it is found that the rate of contribution, rate of forfeiture etc. under the provident fund rules of the establishment are less favourable as compared to those under the statutory scheme, the difference shall be borne by the employer.

25. The employer shall bear all the expenses of the administration of the Provident Fund including the maintenance of Accounts submission of returns, transfer of accumulations.

26. This employer shall display on the notice board of the establishment, a copy of the rules of the fund as approved by the appropriate authority and as and when amended thereto alongwith a translation of the salient points thereof in the language of the majority of the employees.

27. The "appropriate Government" may lay down any further conditions for continued exemption of the establishment.

28. The employee shall enhance the rate of provident fund contributions appropriately if the rate of provident fund contribution for the class of establishments in which his establishment falls is enhanced under the said Act so that the benefits under the Provident Fund Scheme of the establishment shall not become less favourable than the benefits provided under the said Act.

29. The exemption as liable to be cancelled for violation of any of the above conditions.

[No. S-35015(1)/91-SS-II]

का. प्रा. 1026.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 27-3-91 को उस तारीख के रूप में नियम करती है, जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45) के सिवाय जो पहले ही प्रवृत्त की जा चुकी है, और अध्याय 5 और 6 [धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध उड़ीसा राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात्—  
“कटक जिले की सदर तहसील में राजस्व ग्राम प्रताप नगरी, अरख कुड (तेलंगपेन्थ नुहा हट, बन्धाछडा कछरामल नक्षीपुर के अन्तर्गत आने वाले क्षेत्र”।

[संख्या-प्रसं. 38013(11)-एम्.एस.]

S.O. 1026.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 27th March, 1991 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI [except sub-section (1) of section 76 and 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Orissa namely :—

“The areas comprising of the revenue villages of Pratap Nagri, Arakhkud (Telengapenth) Nuahat, Bandhachhada (Kacharamal), Nakhhipur in Tehsil Sadar in district Cuttack”.

[No. S-38013/11/91-SS. I]

नई दिल्ली 25 मार्च, 1991

का. प्रा. 1027.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 27-3-91 को उस तारीख के रूप में नियम करती है, जिसको उक्त अधिनियम के अध्याय (1) 4 (धारा 44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय 5 और 6 [धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की

जा चुकी है] के उपबन्ध उड़ीसा राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात्—

“तहसील एवं जिला बोलंगीर में राजस्व ग्राम बोलंगीर ‘खा’ कुजेनपाली, बृजेनपाली बीजाखमन सालेपाली पुन्ताला एवं लरकीपाली के अन्तर्गत आने वाले क्षेत्र”।

[सं. प्रसं. 38033(12)-एम्.एस.]

New Delhi, the 25th March, 1991

S.O. 1027.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 27th March, 1991 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI [except sub-section (1) of section 76 and 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Orissa namely :—

“The areas comprising of the revenue villages of Bolangir ‘Kha’, Kujenpali, Bijakhanan Salepali, Puntala and Larkipali in Tehsil and district Bolangir”.

[No. S-38013(12)/91-SS-II]

का. प्रा. 1028.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 27-3-91 को उस तारीख के रूप में नियम करती है, जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय 5 और 6 [धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध उड़ीसा राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात्—

“जिला बालासोर की तहसील बस्ता में राजस्व ग्राम रूपसा सामिल हसनपुर के अन्तर्गत आने वाले क्षेत्र”।

[संख्या प्रसं.-38013/13/91—एम्.एस.]

ए. के. (भट्टारai, अवर सचिव)

S.O. 1028.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 27th March, 1991 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapter V and VI [except sub-section (1) of section 76 and 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Orissa namely :—

“The areas comprising of the revenue village of Rupsa Samil Hasanpur in Tarsil Basta in District Balasore.”

[No. S-38013/13/91-SS. I]

A. K. BHATTARAI, Under Secy.